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SOUTH CAROLINA HUMAN AFFAIRS COMMISSION



ANNUAL REPORT 1990-1991

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STATE DOCUMENTS



**SOUTH CAROLINA
HUMAN AFFAIRS
COMMISSION**

**James E. Clyburn
Commissioner**

September 1, 1991

Greetings:

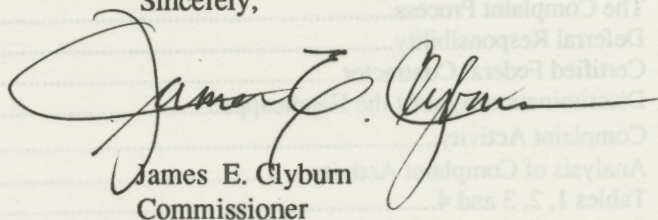
On behalf of the Board and Staff of the South Carolina Human Affairs Commission, I respectfully submit our 1990-91 Annual Report. During the period covered by this report, July 1, 1990 through June 30, 1991, we experienced our busiest year ever.

We established new records in the number of employment complaints processed and resolved. South Carolina became only the second state in the country to enact a Fair Housing Law which was deemed by the Department of Housing and Urban Development to be "on its face" "substantially equivalent" with the 1988 Federal Law.

In addition, the General Assembly responded to the broad indignation that many South Carolinians expressed over incidents regarding public accommodations and enacted a very strong public accommodations law.

I believe this report gives a very concise summary of our efforts to carry out the broad mandates of the South Carolina Human Affairs Law, the South Carolina Bill of Rights for Handicapped Citizens, the South Carolina Fair Housing Law and the Equal Enjoyment and Privileges to Public Accommodations Act. The board and staff of this agency continue to bring great pride to our State and its citizenry.

Sincerely,



James E. Clyburn
Commissioner

2611 Forest Drive • Post Office Box 4490 • Columbia, South Carolina 29240

- Administration (803) 253-6336 • Consultive Services (803) 253-6622 •
- Investigations (803) 253-6366 • Complaints (803) 253-6339 •
- or Toll Free (in-state only) 1-800-521-0725 FAX (803) 253-4191 •

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**South Carolina
Human Affairs Commission**



F I S C A L Y E A R

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ANNUAL REPORT

Carroll A. Campbell, Jr.
Governor

James E. Clyburn
Commissioner

History and Purpose

The primary function of the South Carolina Human Affairs Commission is to administer and enforce the South Carolina Human Affairs Law, the South Carolina Bill of Rights for Handicapped Citizens, the South Carolina Fair Housing Law and the Equal Enjoyment and Privileges to Public Accommodations Act.. The major objectives of each law is the prevention and elimination of unlawful discrimination.

- The *South Carolina Human Affairs Law*, enacted in 1972, created the State Human Affairs Commission. The law was implemented to promote harmony and the betterment of human affairs in South Carolina and to allow for maximum development of the State economically, educationally and socially. The Commission administers the law in several ways. Its primary activities include investigating and attempting to resolve charges alleging discrimination; monitoring the employment practices and affirmative action efforts of state government agencies; providing training and technical assistance to employers and others who seek to comply with the Human Affairs Law; and to conduct and study problems which threaten the objectives of the Law, in order to promote better community relations and interracial harmony.

- The *South Carolina Bill of Rights for Handicapped Citizens* was enacted in 1983. It guarantees that individuals can obtain employment, housing, full and equal use of public accommodations, public services, and to make use of educational facilities without discrimination because of a handicap.

- The *South Carolina Fair Housing Law* was enacted in 1989 and gave the Commission jurisdiction to investigate all fair housing complaints in the State. Under the Fair Housing Act, it is unlawful to refuse to sell or rent a dwelling on the basis of race, color, religion, sex, familial status, national origin, or handicapping condition. The law allows individuals to file a complaint with the Commission within 180 days after an alleged discriminatory housing practice occurs, or if a party believes a discriminatory housing practice is about to occur.

If a housing complaint hearing is held before the Commission, the remedies available are; restraining order, actual damages, civil penalties ranging from \$10,000, for first offense to maximum \$50,000 for subsequent offenses, and attorney fees. If a trial is held in court, the remedies available are; injunction, restraining order, actual damages, punitive damages, court costs and attorney fees.

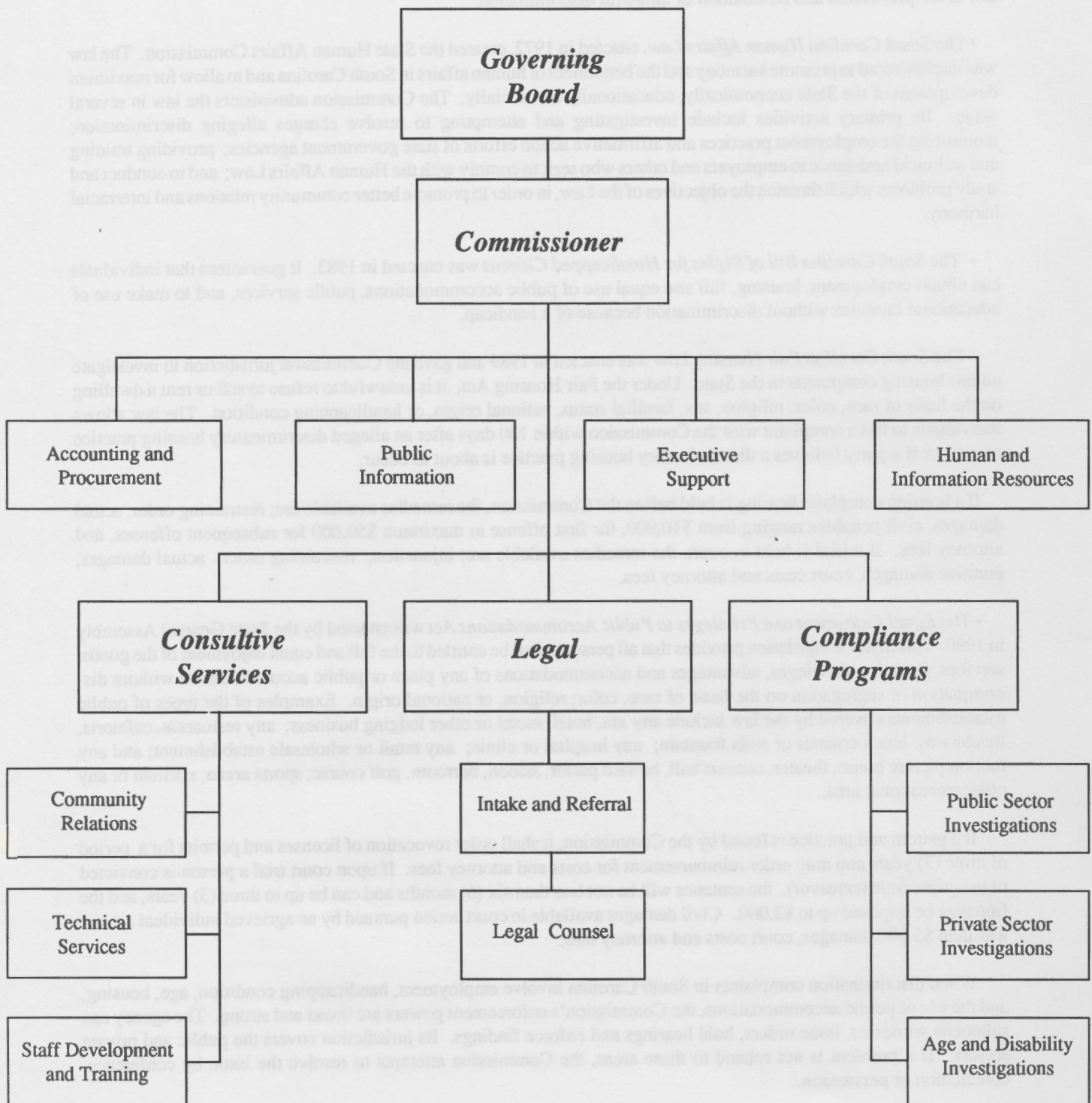
- The *Equal Enjoyment and Privileges to Public Accommodations Act* was enacted by the State General Assembly in 1990. This historic legislation provides that all persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place or public accommodation without discrimination or segregation on the basis of race, color, religion, or national origin. Examples of the types of public establishments covered by the law include any inn, hotel, motel or other lodging business; any restaurant, cafeteria, lunchroom, lunch counter or soda fountain; any hospital or clinic; any retail or wholesale establishment; and any motion picture house, theater, concert hall, billiard parlor, saloon, barroom, golf course, sports arena, stadium or any other recreational area.

If a pattern and practice is found by the Commission, it shall order revocation of licenses and permits for a period of three (3) years and may order reimbursement for costs and attorney fees. If upon court trial a person is convicted of the crime (misdemeanor), the sentence will be not less than six (6) months and can be up to three (3) years, and the fine may be imposed up to \$2,000. Civil damages available in court action pursued by an aggrieved individual are not less than \$5,000 damages, court costs and attorney fees.

When discrimination complaints in South Carolina involve employment, handicapping condition, age, housing, and the use of public accommodations, the Commission's enforcement powers are broad and strong. The agency can subpoena witnesses, issue orders, hold hearings and enforce findings. Its jurisdiction covers the public and private sectors. If a problem is not related to these areas, the Commission attempts to resolve the issue by conference, conciliation or persuasion.

To implement its mission and enforce these important laws, the South Carolina Human Affairs Commission is organized in four units: Administrative, Legal, Consultive Services and Compliance Programs. This Annual Report covers activities of the Commission including highlights of each of the agency's units for the fiscal year beginning July 1, 1990 and ending June 30, 1991.

Organization Chart



Governing Board

At-Large-Members

Dr. Willis C. Ham (Chairman)..... Orangeburg, S.C.
 Bishop Johnnie Smith (Vice Chairman)..... Greenville, S.C.
 Emily P. Tompkins.....Columbia, S.C.

First District

Representing Beaufort, Charleston, Colleton, Dorchester, Hampton & Jasper Counties

Ann Lucas.....Beaufort, S.C.
 Robert Pickering.....Charleston, S.C.

Second District

Dr. Ron Burton.....Columbia, S.C.
 S. Lyman Whitehead, Jr.Columbia, S.C.

Third District

Representing Abbeville, Aiken, Allendale, Anderson, Barnwell, Edgefield, Greenwood, McCormick, Oconee, Pickens & Saluda Counties

Rufus Keys.....Belton, S.C.
 Wilmon McClellan, Sr.Liberty, S.C.

Fourth District

Representing Greenville, Spartanburg & Union counties

Anthony D. Bell.....Spartanburg, S.C.
 Harry Luthi.....Greenville, S.C.

Fifth District

Representing Cherokee, Chester, Farfield, Kershaw, Lancaster, Laurens, Lee Newberry, Sumter & York counties

Suzanne Smith.....Rock Hill, S.C.
 Susie SpradleyCamden, S.C.

Sixth District

Representing Berkeley, Clarendon, Darlington, Dillon, Florence, Georgetown, Horry, Marion, Marlboro & Williamsburg Counties

Fred Sumpter.....Georgetown, S.C.
 Charles Godwin.....Lake City, S.C.

Legislative Representatives

The Honorable McKinley Washington, Jr. (Senate).....Ravenel, S.C.
 The Honorable Lucille Whipper (House of Representatives).....Charleston, S.C.

ADMINISTRATIVE

- **Directs overall operation of agency**
- **Reports to the Governing Board**
- **Prepares and monitors the annual budget**
- **Supervises human resource management**
- **Operates the computerized information system**
- **Responds to public and media inquiries**
- **Publishes reports, brochures and news releases**

Background

The Administrative Division is responsible for the overall operation and support services for the Agency. The Commissioner is the chief administrative officer and coordinates all agency operations. He is responsible to the seventeen (17) member Governing Board and insures that the agency's operations effectuate the policies, rules and regulations established by the Commission, and the mandates of the South Carolina Human Affairs Law. These include various regulations and reporting requirements of the Governor's Office, General Assembly, Budget and Control Board, and other state government agencies and certain federal regulations regarding recordkeeping and reporting.

To fulfill the agency's mission efficiently and effectively, the Administrative Division's staff provides direction and support for the agency's three (3) program units, Compliance Programs, Consultive Services and Legal. The Administrative Division staff also provides support for other special projects which may be developed by the Commission in order to effectuate the purposes of the South Carolina Human Affairs Law and Section 3, Article 1 of the Constitution of this State. The staff consists of nine (9) persons whose duties and responsibilities include the management of properties and supplies, public information services, personnel management, fiscal services and clerical support.

South Carolina Human Affairs Commission Staff

I. Administrative

James E. Clyburn.....Commissioner

A. Executive Support

Thelma L. Baker.....Administrative Assistant

Winston Thomas.....Executive Assistant

Mary Williams.....Information Support Specialist

Johnny Williams.....Security Officer

B. Public Information

Vacant.....Public Information Director

C. Human and Information Resources

Virginia Newman.....Personnel Officer

Barbara Hugee.....Information Resource Coordinator

D. Bookkeeping and Procurement

Judy C. Harris.....Accounting Manager

Pamela B. Walton.....Senior Accountant

Margaret H. Percell.....Procurement Officer

II. Legal and Intake

Georgia D. Ouzts.....Legal Counsel

A. Executive Support Specialists

Irene Jackson.....Executive Support Specialist

Phyllis L. Thompson.....Executive Support Specialist

B. Legal

Ralph Haile.....Staff Counsel

C. Intake and Referral

John D. R. Jones.....Director

Donald M. Frierson.....Intake Consultant

Samuel J. Washington.....Intake Consultant

Teresa C. Hicks.....Intake Counsultant

III. Consultant Services

Paul W. Beazley.....Deputy Commissioner

A. Executive Support Specialists

Patricia C. Keisler.....Executive Support Specialist

Connie Middleton.....Executive Support Specialist

Consultive Services (continued)

B. Technical Services

Janie B. Davis.....Director
Daphne H. Battle.....EEO Consultant
Barry C. Keith.....EEO Consultant
Shirley C. Pride.....EEO Consultant
Marilyn J. Rowe.....EEO Consultant

C. Community Relations

Earl F. Brown, Jr.Director
Thomas M. Murphy.....Senior Analyst
Carlette D. Black.....Community Relations Consultant

D. Staff Development and Training

Mary D. Snead.....Director
Sandra E. Baker.....Training Assistant

IV. Compliance Programs

Bobby D. Gist.....Deputy Commissioner

A. Executive Support

Lori J. Anderson.....Executive Support Specialist
Vicki A. Miller.....Executive Support Specialist

B. Private Sector Investigations Division

John H. Whittleton.....Director
Elizabeth A. Small.....Senior Analyst
Ann E. Deal.....Investigator
John D. Smith.....Investigator
Dalton J. Tresvant.....Investigator
John M. Wilson.....Investigator

C. Public Sector Investigations Division

Herbert A. Lanford, Jr.Director
Larry M. McBride.....Senior Analyst
Janet T. Brown.....Investigator
Raymond H. Buxton, II.....Senior Analyst
Sharon A. Dorn.....Investigator
Daniel H. Koon.....Investigator

D. Age and Disability Investigations Division

Barbara P. Lisbon.....Director
Deborah F. Aiken.....Investigator
Richard A. Charles.....Senior Analyst
Delaine A. Frierson.....Investigator
Samuel J. Selph.....Senior Analyst

Statement of Expenditures Fiscal Year 1990-91

Administration

Personal Services	\$427,365.52
Per Diem - Boards and Commissions.....	1,365.00
Contractual Services.....	135,492.00
Supplies and Materials.....	23,021.32
Fixed Charges and Contributions.....	83,000.00
Travel.....	27,316.61
Equipment.....	302,707.93
Transportation.....	965.04
Total	1,001,233.42

Consultive Services

Personal Services.....	\$478,604.90
Contractual Services.....	12,679.00
Supplies and Materials.....	8,855.00
Fixed Charges and Contributions.....	8,784.84
Travel.....	9,213.00
Total	\$518,136.74

Compliance Programs

Personal Services.....	\$589,509.54
Contractual Services.....	15,263.00
Supplies and Materials.....	12,200.00
Fixed Charges and Contributions.....	4,950.00
Travel.....	19,615.00
Equipment.....	5,416.00
Total.....	\$646,953.54

Employer Contributions.....	\$337,818.12
------------------------------------	---------------------

Non-Recurring Appropriations: Special Item

Equipment.....	\$40,000.00
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Total Expenditures.....	\$2,544,141.82
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Source of Funds:

1990-91 State Appropriations.....	\$1,782,294.47
1990-91 Non-Recurring Appropriations.....	40,000.00
Federal Funds.....	495,371.35
Installment Purchase Program Loan.....	226,476.00
Total Funds.....	\$2,544,141.82

LEGAL

INTAKE

- * Conducts interviews and maintains records**
- * Receives initial contact from individuals filing discrimination complaints**
- * Responds to public inquiries about discrimination violations of statutes**
- * Analyzes federal and state legislation in civil rights and employment law**
- * Dually files complaints of civil rights violations with the United States Equal Employment Opportunity Commission**
- * Formally serves complaints of discrimination**

LEGAL

- * Provides consultation to agency employees**
- * Reviews files**
- * Represents agency in court**
- * Drafts proposed legislation**

Intake and Referral

The Intake and Referral Division serves as the initial contact point for all complaints of discrimination, in employment, housing and public accommodations, received by the Commission. Its primary responsibilities are to conduct interviews; gather essential information and documents; maintain complete records and files of complaint activity for tracking and reporting purposes; provide appropriate notices of complaints filed; perfect complaints and prepare them for investigation; dually file complaints with appropriate federal agencies; effect service of complaints; make appropriate referrals and provide other technical assistance to the public.

Legal Services

The Legal Counsel's office provides legal consultation and services to the Agency by reviewing complaints and investigated files; providing legal assistance to personnel in the conduct and performance of their duties; drafting legislation as appropriate; prosecuting complaints before the Commission as provided by law; and litigating cases in court as provided by law.

CONSULTIVE SERVICES

- **Assists the public, government agencies and private industry seeking information about discrimination**
- **Assists state government agencies in the development and implementation of affirmative action programs**
- **Conducts comprehensive community relations programs designed to prevent or resolve discrimination disputes**
- **Publishes "The Blueprint," a nationally-acclaimed "how-to" manual on affirmative action**
- **Publishes annual report showing affirmative action performance of state government agencies and educational institutions**
- **Conducts training workshops on such topics as employment law, affirmative action, compliance, sexual harassment and investigative techniques**
- **Investigates and resolves non-employment discrimination complaints**

Background

The major responsibility of the Consultive Services Division is to fulfill the mandate in Section 1-13-40 (a) of the South Carolina Human Affairs Law:

" . . . to eliminate and prevent discrimination...and to foster mutual understanding among all people within this State."

Three sections comprise the Consultive Services Division. They are Technical Services, Staff Development and Training and Community Relations, and they function hand-in-hand as the preventive arm of the Commission. It is our belief that South Carolina citizens of good will can work together in an atmosphere of harmony, understanding, trust and progress, to resolve and prevent problems which may arise.

The majority of such problems are solved in an informal manner with staff members working directly with affected parties or referring them to the appropriate agency. The three sections within the Consultive Services Division work together to provide the kinds of services envisioned by the lawmakers in Sections 1-13-70 (d), (e), (f), (g), (h), (i) (l) (n) and (t) of the South Carolina Human Affairs Law. The specific program responsibilities are listed for each section on the following pages.

Technical Services

The Division of Technical Services' primary function is to assist state agencies with the development and implementation of their affirmative action plans and affirmative action programs. The Division provides assistance to employers who are developing and/or revising personnel policies and procedures in the areas of recruitment, hiring, compensation, benefits, promotions, transfers, layoffs, recalls from layoffs, and other areas of human resource management. Assistance is also provided to private sector employers upon request.

Technical Assistance

Five hundred and fifty-seven(557) technical assistance visits were conducted during fiscal year 1990-91. The staff handled more than 1400 inquiries by telephone. The majority of visits and inquiries were related to developing, revising, and implementing the goals established in written affirmative action plans.

The Affirmative Action Plan

The affirmative action plan is a document describing the steps agencies will take to employ a fair representation of minorities and women at all job levels in the workforce. Affirmative action plans approved by the South Carolina Human Affairs Commission must contain the following information:

Section A - Policy Statement

Section B - Responsibilities for Implementation

Section C - Policy Dissemination

Section D - Utilization and Availability Analyses

1. Workforce analysis
2. Job group analysis
3. Availability analysis
4. Underutilization analysis

Section E - Goals and Timetables

1. Annual goals
2. Ultimate goals

Section F - Identification of Problem Areas and Corrective Actions

1. Problem areas
2. Corrective actions

Section G - Internal Audit and Reporting Systems

Section H - Affirmative Action Plan Support Documentation

During the course of the year, the Technical Services Division monitored and evaluated affirmative action plans from 91 state agencies and from several municipalities. Several of the state agencies' plans included analyses by satellite locations, which brought the actual number of individual plans received and evaluated to approximately 315.

To ensure that the goals and timetables established in the plans were reasonable and obtainable, the Technical Services Division continued to maintain data on the number of persons available by race and sex with the necessary requisite skills to fill positions in various occupational categories. This information was made available by Metropolitan Statistical Areas (MSA), the 46 counties and the State of South Carolina. The information was made available to both state agencies and private sector employers.

Upon written request, state agencies' affirmative action plans are subject to public review.

Publications

Yearly, the Division of Technical Services undertakes the project of determining the level of affirmative action goal attainment achieved by state agencies. The results of the project were compiled in the Division's annual report to the General Assembly entitled "A Changing Workforce: Real or Imagined? Status of State Agencies' Affirmative Action Plans and Programs" - February 1, 1991. Table I shows the approval status of state agencies' affirmative action plans as reported in the February 1, 1991 report. Table II, Charts A through H, shows the average level of goal attainment achieved by non-exempt agencies since 1982. Also included in the February 1, 1991 report was an evaluation of each agency's progress towards meeting its annual goals over a one year period.

Status of State Government Workforce

Table III shows the distribution of employees by number, percentage, race, sex and job grade in South Carolina State Government as of July 1991.

1. White males dominated the highest paying classifications, grades 41 through 59. They held 69.2 percent of the jobs in grades 41-50, and 65.4 percent of the jobs in grades 51-59. They were least represented in the lowest paying job grades (10-20) where they held 12.1 percent, or 2479 of the 20,530 positions. Overall, they comprised 31.3 percent of the state government workforce, down 0.3 percent since July 1990 (See Table IV).
2. Black males showed their highest percentage representation (17.8%) in the lowest paying job grades, grades 10 through 20. As of July 1991, black males gained a total of 285 additional positions in the state government workforce (See Table IV). The majority of these positions were assigned to grade levels 21 through 30. Black males achieved small gains in grade levels 31 through 40. Black males occupied 12.7 percent of all positions in state government as of July 1991. Despite a gain of 285 positions, their percentage of the State government work force increased by only 0.1 percent.
3. White female percentage representation was highest in job grades 31-40, an increase of 1.9 percent since July 1990. White females comprised 34.4 percent of the State's overall workforce. There was an increase of 749 white females in the state government workforce during the year (See Table IV). The majority of these persons were assigned to grades 21 through 40. The most significant gain in white female representation occurred within pay grades 31 through 40, where their representation increased 1.9 percent.
4. Black females experienced a gain of 569 jobs in State government during the fiscal year and showed their greatest numerical gains in grades 21 through 40 (See Table IV). Only eight black females were employed in grades 51 and above. Black females continued to be concentrated in grades 10 through 20 where they occupied 37.8 percent of these positions. Overall, black females comprised 20.4 percent of the total state government workforce.

Table IV shows a comparison of the employment patterns by race/sex groups as of July 1990 and July 1991. In grades 10 through 20, women held 69.6 percent of the 20,530 positions. The majority of the positions assigned grades 10 through 20 fell within the clerical, paraprofessional and/or service related occupations. Black females held more positions in these grades than any other group. However, a larger number of the black females were employed in service maintenance positions compared to white females (See Table V, E-8). Considering the clerical, paraprofessional and service related occupations, more than 70.0 percent of the white females were employed in office occupations, which serves as a line of progression to higher graded and higher paying positions. Males held fewer positions in grades 10 through 20. Of the positions held by males, most were in service maintenance and/or paraprofessional positions (See Table V). More black males were employed in service maintenance positions compared to white males and compared to all women combined.

It appears that in grades 21 through 30 more males than females were hired from outside state government. Women appeared to have a better chance of being promoted from inside state government. Positions assigned grades 21 through 30 are primarily paraprofessional and entry level professional types, and require workers to possess an associate and/or bachelor's degree with one or two years of work experience.

In grades 31 through 40, white males and white females held 83.3 percent of the 12, 636 positions (See Table IV). Blacks held only 15.5 percent of the higher paying positions. Black females held more positions than black males. Grades 31 through 40 were assigned primarily to professional and supervisory level positions.

White females continued to make steady progress in grades 41 through 50. Managers generally occupied the majority of positions assigned grades 41 through 50. As in past years, white males continued to dominate this category. Blacks held only 118 of the 1,748 positions assigned to grades 41 through 50.

In the executive level positions, assigned to grades 51 through 59, white males continued to dominate. Blacks and white females held a total of 50 positions at these levels. There were 49 other ethnic minorities who were not counted in white or black categories, but were included in the total of persons assigned to grades 51 through 59. Most of these other ethnic minorities were employed in medical related occupations.

The unclassified workforce accounted for approximately 12.4 percent of state government employees in July 1990. The majority of the positions in state government with no grade assignments (unclassified) were located in the State's colleges and universities and included faculty members, administrators and other support staff. Agency directors are also counted among unclassified personnel. White males continued to hold the majority of these positions, followed by white females. Black males and black females respectively held 4.5 and 4.8 percent representation in the group. Other minorities, excluding blacks and white females, showed 3.4 percent representation in the unclassified workforce.

It appears that affirmative action in the state government is having some minimal effect. However, the disparities which exist within the upper level pay grades make the State still vulnerable to successful litigation under the Human Affairs Law and Title VII of the 1964 Civil Rights Act, as amended. Much remains to be done to bring about parity for blacks and white females at all levels of the State government workforce.

TABLE 1
EXEMPT AGENCIES
(As of September 30, 1990)

The following state government agencies have achieved their affirmative action goals and had workforces that reflected fair representation of all race and sex groups. These agencies are commended for their good faith efforts and equal employment.

Aging, Commission on	Housing Authority, State
Arts Commission	Insurance Commission
Children's Foster Care Review Board System	Low Country, Technical College of the
Consumer Affairs, Department of	Nursing, State Board of
Executive Policy & Programs, Office of	Williamsburg Technical College
Higher Education, Commission on	Worker's Compensation Fund, State

Table 1 continued

TABLE 1

STATUS OF AFFIRMATIVE ACTION PLANS

APPROVED AGENCIES

The agencies listed below have developed affirmative action plans in accordance with Section 1-13-110 of the South Carolina Code of Laws of 1976, as amended. Each plan approved by the Commission was constructed according to standards contained in THE BLUEPRINT.

ABC Commission	Francis Marion College	State College, South Carolina
Adjutant General's Office	Governor's School for Science and Mathematics	Tax Commission
Aeronautics Commission	Health and Environmental Control	Technical and Comprehensive Education,
Agriculture, Department of	Health and Human Services Finance Commission	State Board for
Alcohol and Drug Abuse Commission	Highway Department	Aiken Technical College
Appellate Defense, Office of	Insurance Department	Chesterfield-Marlboro Technical College
Archives and History Department	John de la Howe School	Denmark Technical College
Attorney General's Office	Labor Department	Florence-Darlington Technical College
Auditor's Office, State	Land Resources Conservation Commission	Greenville Technical College
Blind, Commission for the	Lander College	Horry-Georgetown Technical College
Budget and Control Board	Law Enforcement Division, State	Midlands Technical College
Citadel, The	Library, State	Orangeburg-Calhoun Technical College
Clemson University	Medical University	Piedmont Technical College
Coastal Council	Mental Health Department	Spartanburg Technical College
College of Charleston	Mental Retardation Department	Sumter Technical College
Comptroller General's Office	Museum Commission	Tri-County Technical College
	Opportunity School, Wil Lou Gray	York Technical College
Corrections, Department of	Parks, Recreation and Tourism	Trident Technical College
Criminal Justice Academy	Probation, Parole and Pardon Services	Treasurer's Office, State
Deaf and Blind, School for the	Patriot's Point Development Authority	University of South Carolina
Development Board, State	Ports Authority, State	Veterans' Affairs, Department of
Education, Department of	Public Service Authority (Santee Cooper)	Vocational Rehabilitation, Department of
Educational Television Commission	Public Service Commission	Water Resources Commission
Election Commission, State	Real Estate Commission	Wildlife and Marine Resources Commission
Employment Security Commission	Retirement System	Winthrop College
Financial Institutions, State Board for	Secretary of State	Workers' Compensation Fund
Forestry Commission	Social Services, Department of	Youth Services, Department of

Table II Chart A - Percentage Level of Overall Goal Attainment by Alphabetical Order

Agencies	Ranking	Percent	Number of Goals	Number of Employees	Agencies	Ranking	Percent	Number of Goals	Number of Employees
ABC Commission	38	66.1	12	84	Mental Health, Department of	18	75.9	24	6408
Adjutant General's Office	65	42.2	21	179	Mental Retardation, Department of	27	71.5	24	4195
Aeronautics Commission	58	55.5	9	38	Museum Commission, S.C.	56	55.7	15	64
Agriculture Department	47	60.2	15	198	Opportunity School, Wil Lou Gray	10	80.6	18	94
Alcohol and Drug Abuse Commission	11	80.2	9	80	Parks, Recreation & Tourism Dept.	22	73.9	18	489
Appellate Defense, Office of	42	64.2	6	16	Patriot's Point Dev. Authority	68	35.8	9	32
Archives and History Department	36	66.9	12	105	Ports Authority, State	64	42.4	24	441
Attorney General's Office	10	80.6	9	110	Probation, Parole & Pardon Serv.	1	90.7	9	732
Auditor's Office, State	51	58.8	9	74	Public Service Authority	49	59.8	18	1598
Blind, Commission for the	9	81.1	12	108	Public Service Commission	57	55.6	15	146
Budget and Control Board	32	67.9	21	1030	Real Estate Commission	58	55.5	9	31
Citadel, The	63	48.3	45	535	Retirement System	43	64.1	15	108
Clemson University	7	82.1	51	4067	Secretary of State	58	55.5	9	36
Coastal Council	28	69.5	6	42	Social Services, Department of	13	78.7	21	4482
College of Charleston	46	60.8	33	629	State College, South Carolina	29	68.4	45	760
Comptroller General's Office	19	75.7	9	93	Tax Commission	21	74.2	18	796
Corrections, Department of	16	76.5	32	5782	Technical and Comprehensive Educ.	17	76.1	15	129
Criminal Justice Academy	45	62.1	12	102	Aiken Technical College	44	62.7	15	112
Deaf and Blind, School for the	31	68.0	21	367	Chesterfield-Marlboro Tech. Col.	60	51.6	15	65
Development Board, State	32	67.9	9	83	Denmark Technical College	33	67.7	15	120
Education, Department of	55	56.0	21	1054	Florence-Darlington Tech. Col.	40	64.8	15	203
Educational Television Commission	3	86.5	15	377	Greenville Technical College	36	66.9	21	506
Election Commission, State	15	76.8	6	17	Horry-Georgetown Tech. Col.	59	52.8	18	144
Employment Security Commission	23	73.4	15	1152	Midlands Technical College	13	78.7	18	519
Financial Institutions, Board of	48	60.0	6	31	Orangeburg-Calhoun Tech. Col.	24	73.0	18	160
Forestry Commission	62	50.2	21	573	Piedmont Technical College	41	64.6	21	200
Francis Marion College	53	57.1	39	419	Spartanburg Technical College	44	62.7	15	187
Governor's School for Sci. & Math.	67	36.5	6	23	Sumter Technical College	43	64.1	18	151
Health and Environmental Control	34	67.3	24	4171	Tri-County Technical College	25	72.5	18	228
Health and Human Services Fin. Com.	4	84.9	12	483	Trident Technical College	12	79.2	24	396
Highway Dept.(Excluding Patrol)	50	58.9	18	6264	York Technical College	35	67.2	18	199
Law Enforcement Div. (Patrol)	61	50.4	18	1217	Treasurer's Office, State	6	82.7	12	67
Insurance Department	2	87.8	12	115	University of South Carolina	26	71.6	51	5475
John de la Howe School	39	65.3	12	106	Veterans' Affairs, Department of	54	57.0	6	18
Labor Department	30	68.1	9	143	Vocational Rehabilitation Dept.	30	68.1	15	1044
Land Resources Conservation Com.	38	66.1	6	62	Water Resources Commission	37	66.6	12	63
Lander College	45	62.1	33	284	Wildlife and Marine Resources Dept.	66	42.0	21	708
Law Enforcement Div., State (SLED)	25	72.5	15	437	Winthrop College	20	74.4	42	728
Library, State	5	84.7	9	47	Workers' Compensation Commission	8	81.2	9	81
Medical University	52	58.6	48	4878	Youth Services, Department of	14	78.6	24	975

Table II Chart B 90-91

Table II Chart B - Percentage Level of Overall Goal Attainment
by Alphabetical Order, Race and Sex Groups

Agencies	Black Males	White Females	Black Females
ABC Commission	44.0	79.3	75.0
Adjutant General's Office	62.2	46.3	18.0
Aeronautics Commission	66.6	66.6	33.3
Agriculture Department	47.1	73.5	60.0
Alcohol and Drug Abuse Comm.	66.6	81.4	92.8
Appellate Defense, Office of	0.0	92.6	100.0
Archives and History Dept.	49.4	90.1	61.1
Attorney General's Office	96.8	78.4	66.6
Auditor's Office, State	16.3	97.3	62.8
Blind, Commission for the	75.0	74.5	93.8
Budget and Control Board	75.5	69.1	59.3
Citadel, The	48.9	59.6	36.4
Clemson University	80.2	86.1	80.1
Coastal Council	50.0	88.3	70.2
College of Charleston	62.7	70.0	49.8
Comptroller General's Office	55.8	91.1	80.2
Corrections, Department of	86.3	63.5	79.8
Criminal Justice Academy	75.0	62.7	48.5
Deaf and Blind, School for the	44.1	74.2	85.7
Development Board, State	71.7	85.9	46.2
Education, Department of	38.5	74.1	55.3
Educational Television Comm.	84.3	75.7	99.5
Election Commission, State	50.0	100.0	80.6
Employment Security Comm.	61.2	79.1	80.0
Financial Institutions, Board of	23.1	71.0	85.9
Forestry Commission	61.5	42.8	46.3
Francis Marion College	45.5	75.2	50.8
Governor's School for Sci. & Math.	0.0	89.5	20.0
Health and Environmental Control	42.2	84.8	74.8
Health & Human Servs. Fin. Comm.	84.3	95.5	75.0
Highway Dept. (Excluding Patrol)	74.4	52.4	50.0
Law Enforcement Div. (Patrol)	58.6	51.6	40.9
Insurance Department	71.6	97.9	94.1
John de la Howe School	46.6	60.7	88.8
Labor Department	33.3	74.4	95.6
Land Resources Conservation Comm.	73.4	67.5	57.4
Lander College	46.6	84.0	55.6
Law Enforcement Div., State (SLED)	62.0	75.8	79.7
Library, State	63.0	90.8	100.0
Medical University	48.4	78.2	49.2

Chart B continued

Table II Chart B - Percentage Level of Overall Goal Attainment
by Alphabetical Order, Race and Sex Groups

Agencies	Black Males	White Females	Black Females
Mental Health, Department of	82.3	61.8	83.7
Mental Retardation, Department of	78.1	61.5	75.0
Museum Commission, South Carolina	38.7	77.0	51.5
Opportunity School, Wil Lou Gray	83.3	66.5	91.9
Parks, Recreation & Tourism Dept.	66.6	71.7	83.3
Patriots Point Development Auth.	33.3	74.1	0.0
Ports Authority, State	52.4	43.3	31.5
Probation, Parole & Pardon Services	73.4	98.9	100.0
Public Service Authority	79.9	59.8	39.8
Public Service Commission	54.0	55.9	56.8
Real Estate Commission	33.3	100.0	33.3
Retirement System	47.0	92.6	52.7
Secretary of State	0.0	100.0	66.6
Social Services, Department of	63.9	84.5	87.6
State College, South Carolina	95.7	13.4	96.2
Tax Commission	66.2	83.4	76.4
Technical and Comprehensive Ed.	97.1	68.0	63.2
Aiken Technical College	56.8	52.0	79.5
Chesterfield-Marlboro Tech. Coll.	20.0	75.0	60.0
Denmark Technical College	100.0	11.8	91.3
Florence-Darlington Tech. Coll.	63.1	80.0	51.3
Greenville Technical College	64.2	74.6	62.0
Horry-Georgetown Technical Coll.	60.1	63.0	35.3
Midlands Technical College	93.1	70.5	72.4
Orangeburg-Calhoun Tech. Coll.	54.7	89.3	75.0
Piedmont Technical College	60.1	60.5	73.2
Spartanburg Technical College	29.5	100.0	58.5
Sumter Technical College	38.0	83.3	71.0
Tri-County Technical College	61.4	97.0	59.2
Trident Technical College	73.1	98.4	66.2
York Technical College	56.5	78.0	67.1
Treasurer's Office, State	81.3	92.1	74.8
University of South Carolina	69.9	75.2	69.6
Veterans' Affairs, Department of	42.3	78.8	50.0
Vocational Rehabilitation, Dept. of	54.4	75.0	74.9
Water Resources Commission	75.0	100.0	25.0
Wildlife & Marine Resources Dept.	54.6	44.2	27.3
Winthrop College	66.0	80.8	76.4
Worker's Compensation Commission	61.6	82.0	100.0
Youth Services, Department of	84.1	64.3	87.5

Table II Chart C- Percentage Level of Overall Goal Attainment Ranked from Highest to Lowest

Ranking	Agencies	Percent	Number of Goals	Number of Employees	Ranking	Agencies	Percent	Number of Goals	Number of Employees
1	Probation, Parole and Pardon Services	90.7	9	732	36	Archives and History Department	66.9	12	105
2	Insurance Department	87.8	12	115		Greenville Technical College	66.9	21	506
3	Educational Television Commission	86.5	15	377	37	Water Resources Commission	66.6	12	63
4	Health & Human Services Finance Com.	84.9	12	483	38	ABC Commission	66.1	12	84
5	State Library	84.7	9	47		Land Resources Conversation Comm.	66.1	6	62
6	State Treasurer's Office	82.7	12	67	39	John de la Howe School	65.3	12	106
7	Clemson University	82.1	51	4067	40	Florence-Darlington Tech. College	64.8	15	203
8	Worker's Compensation Commission	81.2	9	81	41	Piedmont Technical College	64.6	21	200
9	Blind, Commission for the	81.1	12	108	42	Appellate Defense, Office of	64.2	6	16
10	Attorney General's Office	80.6	9	110	43	Retirement System	64.1	15	108
	Opportunity School, Wil Lou Gray	80.6	18	94		Sumter Technical College	64.1	18	151
11	Alcohol and Drug Abuse Commission	80.2	9	80	44	Aiken Technical College	62.7	15	112
12	Trident Technical College	79.2	24	396		Spartanburg Technical College	62.7	15	187
13	Midlands Technical College	78.7	18	519	45	Criminal Justice Academy	62.1	12	102
	Social Services, Department of	78.7	21	4482		Lander College	62.1	33	284
14	Youth Services, Department of	78.6	24	975	46	College of Charleston	60.8	33	629
15	Election Commission, State	76.8	6	17	47	Agriculture Department	60.2	15	198
16	Corrections, Department of	76.5	32	5782	48	Financial Institutions, Board of	60	6	31
17	Technical and Comprehensive Educ.	76.1	15	129	49	Public Service Authority	59.8	18	1598
18	Mental Health, Department of	75.9	24	6408	50	Highway Dept.(Excluding Patrol)	58.9	18	6264
19	Comptroller General's Office	75.7	9	93	51	Auditor's Office, State	58.8	9	74
20	Winthrop College	74.4	42	728	52	Medical University	58.6	48	4878
21	Tax Commission	74.2	18	796	53	Francis Marion College	57.1	39	419
22	Parks, Recreation & Tourism Dept.	73.9	18	489	54	Veterans' Affairs, Office of	57.0	6	18
23	Employment Security Commission	73.4	15	1152	55	Education, Department of	56.0	21	1054
24	Orangeburg-Calhoun Tech. College	73.0	18	160	56	Museum Commission, S.C.	55.7	15	64
25	Law Enforcement Div., State (SLED)	72.5	15	437	57	Public Service Commission	55.6	15	146
	Tri-County Technical College	72.5	18	228	58	Aeronautics Commission	55.5	9	38
26	University of South Carolina	71.6	51	5475		Real Estate Commission	55.5	9	31
27	Mental Retardation, Department of	71.5	24	4195		Secretary of State	55.5	9	36
28	Coastal Council	69.5	6	42	59	Horry-Georgetown Tech. College	52.8	18	144
29	State College, South Carolina	68.4	45	760	60	Chesterfield-Marlboro Tech. College	51.6	15	65
30	Labor Department	68.1	9	143	61	Law Enforcement Div. (Patrol)	50.4	18	1217
	Vocational Rehabilitation Department	68.1	15	1044	62	Forestry Commission	50.2	21	573
31	Deaf and Blind, School for the	68.0	21	367	63	The Citadel	48.3	45	535
32	Budget and Control Board	67.9	21	1030	64	Ports Authority, State	42.4	24	441
	Development Board, State	67.9	9	83	65	Adjutant General's Office	42.2	21	179
33	Denmark Technical College	67.7	15	120	66	Wildlife & Marine Resources Dept.	42.0	21	708
34	Health and Environmental Control	67.3	24	4171	67	Governor's School for Sci. & Math.	36.5	6	23
35	York Technical College	67.2	18	199	68	Patriot's Point Dev. Authority	35.8	9	32

Table II Chart D - Percentage Level of Change in Alphabetical Order

Agencies	# of Goals		Ranking		% Level of Goal Attainment		(+) (-) % of Change
	1989	1990	1989	1990	1989	1990	
ABC Commission	12	12	31	38	67.5	66.1	-1.4
Adjutant General's Office	21	21	71	65	37.0	42.2	+5.2
Aeronautics Commission	9	9	36	58	66.6	55.5	-11.1
Agriculture Department	15	15	47	47	60.6	60.2	-0.4
Alcohol and Drug Abuse Commission	12	9	12	11	75.5	80.2	+4.7
Appellate Defense, Office of	6	6	62	42	50.0	64.2	+14.2
Archives and History Department	12	12	25	36	69.4	66.9	-2.5
Attorney General's Office	9	9	9	10	76.0	80.6	+4.6
Auditor's Office, State	9	9	67	51	43.2	58.8	+15.6
Blind, Commission for the	12	12	16	9	73.1	81.1	+8.0
Budget and Control Board	21	21	43	32	63.9	67.9	+4.0
Citadel, The	42	45	61	63	50.2	48.3	-1.9
Clemson University	51	51	17	7	72.4	82.1	+9.7
Coastal Council	6	6	50	28	59.4	69.5	+10.1
College of Charleston	33	33	49	46	60.1	60.8	+0.7
Comptroller General's Office	9	9	15	19	74.6	75.7	+1.1
Corrections, Department of	24	32	8	16	76.7	76.5	-0.2
Criminal Justice Academy	12	12	63	45	49.0	62.1	+13.1
Deaf and Blind, School for the	21	21	21	31	71.7	68.0	-3.7
Development Board, State	9	9	32	32	67.4	67.9	+0.5
Education, Department of	21	21	60	55	51.2	56.0	+4.8
Educational Television Commission	15	15	4	3	82.6	86.5	+3.9
Election Commission, State	6	6	10	15	75.9	76.8	+0.9
Employment Security Commission	18	15	24	23	70.1	73.4	+3.3
Financial Institutions, Board of	9	6	70	48	38.7	60.0	+21.3
Forestry Commission	21	21	65	62	47.3	50.2	+2.9
Francis Marion College	39	39	45	53	63.3	57.1	-6.2
Governor's School for Sci. & Math.		6		67		36.5	
Health and Environmental Control	24	24	24	34	68.7	67.3	-1.4
Health and Human Serv. Fin. Comm.	12	12	6	4	78.8	84.9	+6.1
Highway Dept. (Excluding Patrol)	18	18	53	50	57.4	58.9	+1.5
Law Enforcement Division(Patrol)	18	18	64	61	48.1	50.4	+2.3
Insurance Department	12	12	4	2	82.6	87.8	+5.2
John de la Howe	12	12	30	39	67.6	65.3	-2.3
Labor Department	9	9	27	30	68.5	68.1	-0.4
Land Resources Conservation Comm.	6	6	28	38	68.1	66.1	-2.0
Lander College	33	33	48	45	60.5	62.1	+1.6
Law Enforcement Div., State (SLED)	15	15	15	25	66.2	72.5	+6.3
Library, State	9	9	3	5	82.7	84.7	+2.0
Medical University	48	48	43	52	63.9	58.6	-5.3

Chart D continued

Table II Chart D - Percentage Level of Change in Alphabetical Order

Agencies	# Of Goals		Ranking		% Level of Goal Attainment		(+) (-) % of Change
	1989	1990	1989	1990	1989	1990	
Mental Health, Department of	24	24	13	18	75.2	75.9	+0.7
Mental Retardation, Department of	24	24	10	27	75.9	71.5	-4.4
Museum Commission, S.C.	15	15	52	56	57.8	55.7	-2.1
Opportunity School, Wil Lou Gray	18	18	8	10	76.7	80.6	+3.9
Parks, Recreation & Tourism	18	18	37	22	66.5	73.9	+7.4
Patriots Point Dev. Authority	9	9	72	68	33.7	35.8	+2.1
Ports Authority, State	24	24	68	64	42.6	42.4	-0.2
Probation, Parole and Pardon Services	9	9	1	1	90.1	90.7	+0.6
Public Service Authority	18	18	55	49	56.5	59.8	+3.3
Public Service Commission	15	15	66	57	46.2	55.6	+9.4
Real Estate Commission	9	9	59	58	51.5	55.5	+4.0
Retirement System	15	15	39	43	65.7	64.1	-1.6
Secretary of State	9	9	57	58	55.5	55.5	0.0
Social Services, Department of	21	21	23	13	71.3	78.7	+7.4
State College, South Carolina	45	45	29	29	67.9	68.4	+0.5
Tax Commission	18	18	18	21	72.3	74.2	+1.9
Technical and Comprehensive Educ.	15	15	22	17	71.6	76.1	+4.5
Aiken Technical College	15	15	34	44	67.1	62.7	-4.4
Chesterfield-Marlboro Tech. Col.	15	15	58	60	53.3	51.6	-1.7
Denmark Technical College	15	15	25	33	69.4	67.7	-1.7
Florence-Darlington Tech Col.	15	15	41	40	64.2	64.8	+0.6
Greenville Technical College	21	21	30	36	67.6	66.9	-0.7
Horry-Georgetown Technical Col.	18	18	61	59	50.2	52.8	+2.6
Midlands Technical College	18	18	7	13	78.5	78.7	+0.2
Orangeburg-Calhoun Technical Col.	21	18	40	24	64.6	73.0	+8.4
Piedmont Technical College	21	21	46	41	61.9	64.6	+2.7
Spartanburg Technical College	15	15	53	44	57.4	62.7	+5.3
Sumter Technical College	18	18	42	43	64.0	64.1	+0.1
Tri-County Technical College	18	18	20	25	71.9	72.5	+0.6
Trident Technical College	24	24	19	12	72.2	79.2	+7.0
York Technical College	18	18	51	35	58.9	67.2	+8.3
Treasurer's Office, State	12	12	2	6	85.3	82.7	-2.6
University of South Carolina	51	51	33	26	67.3	71.6	+4.3
Veterans' Affairs, Department of	6	6	56	54	55.7	57.0	+1.3
Vocational Rehabilitation, Dept. of	15	15	35	30	66.9	68.1	+1.2
Water Resources Commission	12	12	36	37	66.6	66.6	0.0
Wildlife and Marine Resources Dept.	21	21	69	66	40.4	42.0	+1.6
Winthrop College	42	42	11	20	75.7	74.4	-1.3
Workers' Compensation Commission	9	9	5	8	82.0	81.2	-0.8
Youth Services, Department of	24	24	14	14	74.7	78.6	+3.9

Table II Chart E - Goal Attainment by Agency Size

Number of Employees	Agencies	Ranking	Percent	Number of Goals	Number of Employees	Agencies	Ranking	Percent	Number of Goals
6408	Mental Health, Department of	18	75.9	24	187	Spartanburg Technical College	44	62.7	15
6264	Highway Department (Excluding Patrol)	50	58.9	18	179	Adjutant General's Office	65	42.2	21
5782	Corrections, Dept. of	16	76.5	32	160	Orangeburg-Calhoun Tech. College	24	73.0	18
5475	University of South Carolina	26	71.6	51	151	Sumter Technical College	43	64.1	18
4878	Medical University	52	58.6	48	146	Public Service Commission	57	55.6	15
4482	Social Services, Department of	13	78.7	21	144	Horry-Georgetown Tech. College	59	52.8	18
4195	Mental Retardation, Department of	27	71.5	24	143	Labor Department	30	68.1	9
4171	Health and Environmental Control	34	67.3	24	129	Technical and Comprehensive Ed.	17	76.1	15
4067	Clemson University	7	82.1	51	120	Denmark Technical College	33	67.7	15
1598	Public Service Authority	49	59.8	18	115	Insurance Department	2	87.8	12
1217	Law Enforcement Div. (Patrol)	61	50.4	18	112	Aiken Technical College	44	62.7	15
1152	Employment Security Commission	23	73.4	15	110	Attorney General's Office	10	80.6	9
1054	Education, Department of	55	56.0	21	108	Blind, Commission for the	9	81.1	12
1044	Vocational Rehabilitation Department	30	68.1	15	108	Retirement System	43	64.1	15
1030	Budget and Control Board	32	67.9	21	106	John de la Howe School	39	65.3	12
975	Youth Services, Department of	14	78.6	24	105	Archives and History Department	36	66.9	12
796	Tax Commission	21	74.2	18	102	Criminal Justice Academy	45	62.1	12
760	State College, South Carolina	29	68.4	45	94	Opportunity School, Wil Lou Gray	10	80.6	18
732	Probation, Parole and Pardon Services	1	90.7	9	93	Comptroller General's Office	19	75.7	9
728	Winthrop College	20	74.4	42	84	ABC Commission	38	66.1	12
708	Wildlife and Marine Resources Dept.	66	42.0	21	83	Development Board, State	32	67.9	9
629	College of Charleston	46	60.8	33	81	Workers' Compensation Fund	8	81.2	9
573	Forestry Commission	62	50.2	21	80	Alcohol and Drug Abuse Commission	11	80.2	9
535	The Citadel	63	48.3	45	74	Auditor's Office, State	51	58.8	9
519	Midlands Technical College	13	78.7	18	67	Treasurer's Office, State	6	82.7	12
506	Greenville Technical College	36	66.9	21	65	Chesterfield-Marlboro Tech. College	60	51.6	15
489	Parks, Recreation and Tourism	22	73.9	18	64	Museum Commission, S.C.	56	55.7	15
483	Health & Human Services Finance Com.	4	84.9	12	63	Water Resources Commission	37	66.6	12
441	Ports Authority, State	64	42.4	24	62	Land Resources Conservation Comm.	38	66.1	6
437	Law Enforcement Div., State (SLED)	25	72.5	15	47	Library, State	5	84.7	9
419	Francis Marion College	53	57.1	39	42	Coastal Council	28	69.5	6
396	Trident Technical College	12	79.2	24	38	Aeronautics Commission	58	55.5	9
377	Educational Television Commission	3	86.5	15	36	Secretary of State	58	55.5	9
367	Deaf and Blind, School for the	31	68.0	21	32	Patriot's Point Development Authority	68	35.8	9
284	Lander College	45	62.1	33	31	Financial Institutions, Board of	48	60.0	6
228	Tri-County Technical College	25	72.5	18	31	Real Estate Commission	58	55.5	9
203	Florence-Darlington Technical College	40	64.8	15	23	Governor's School for Science & Math.	67	36.5	6
200	Piedmont Technical College	41	64.6	21	18	Veterans' Affairs, Department of	54	57.0	6
199	York Technical College	35	67.2	18	17	Election Commission, State	15	76.8	6
198	Agriculture Department	47	60.2	15	16	Appellate Defense, Office of	42	64.2	6

Table II Chart F- Goal Attainment by Number of Goals

Number of Goals	Agencies	Percent	Ranking	Number of Employees	Number of Goals	Agencies	Percent	Ranking	Number of Employees
51	Clemson University	82.1	7	4067	15	Denmark Technical College	67.7	33	120
51	University of South Carolina	71.6	26	5475	15	Educational Television Commission	86.5	3	377
48	Medical University	58.6	52	4878	15	Employment Security Commission	73.4	23	1152
45	The Citadel	48.3	63	535	15	Florence-Darlington Technical College	64.8	40	203
45	State College, South Carolina	68.4	29	760	15	Law Enforcement Div., State (SLED)	72.5	25	437
42	Winthrop College	74.4	20	728	15	Museum Commission, South Carolina	55.7	56	64
39	Francis Marion College	57.1	53	419	15	Public Service Commission	55.6	57	146
33	College of Charleston	60.8	46	629	15	Retirement System	64.1	43	108
33	Lander College	62.1	45	284	15	Spartanburg Technical College	62.7	44	187
32	Corrections, Department of	76.5	16	5782	15	Technical & Comprehensive Education	76.1	17	129
24	Health & Environmental Control	67.3	34	4171	15	Vocational Rehabilitation Dept.	68.1	30	1044
24	Mental Health, Department of	75.9	18	6408	12	ABC Commission	66.1	38	84
24	Mental Retardation, Department of	71.5	27	4195	12	Archives and History Department	66.9	36	105
24	Ports Authority, State	42.4	64	441	12	Blind, Commission for the	81.1	9	108
24	Trident Technical College	79.2	12	396	12	Criminal Justice Academy	62.1	45	102
24	Youth Services, Department of	78.6	14	975	12	Health & Human Servs. Finance Comm.	84.9	4	483
21	Adjutant General's Office	42.2	65	179	12	Insurance Department	87.8	2	115
21	Budget and Control Board	67.9	32	1030	12	John de la Howe School	65.3	39	106
21	Deaf and Blind, School for the	68.0	31	367	12	Treasurer's Office, State	82.7	6	67
21	Education, Department of	56.0	55	1054	12	Water Resources Commission	66.6	37	63
21	Forestry Commission	50.2	62	573	9	Aeronautics Commission	55.5	58	38
21	Greenville Technical College	66.9	36	506	9	Alcohol and Drug Abuse Commission	80.2	11	80
21	Piedmont Technical College	64.6	41	200	9	Attorney General's Office	80.6	10	110
21	Social Services, Department of	78.7	13	4482	9	Auditor's Office, State	58.8	51	74
21	Wildlife & Marine Resources Dept.	42.0	66	708	9	Comptroller General's Office	75.7	19	93
18	Highway Dept. (Excluding Patrol)	58.9	50	6264	9	Development Board, State	67.9	32	83
18	Horry-Georgetown Technical College	52.8	59	144	9	Labor Department	68.1	30	143
18	Law Enforcement Div. (Patrol)	50.4	61	1217	9	Library, State	84.7	5	47
18	Midlands Technical College	78.7	13	519	9	Patriot's Point Development Authority	35.8	68	32
18	Opportunity School, Wil Lou Gray	80.6	10	94	9	Probation, Parole and Pardon Services	90.7	1	732
18	Orangeburg-Calhoun Tech. College	73.0	24	160	9	Real Estate Commission	55.5	58	31
18	Parks, Recreation & Tourism Dept.	73.9	22	489	9	Secretary of State	55.5	58	36
18	Public Service Authority	59.8	49	1598	9	Workers' Compensation Commission	81.2	8	81
18	Sumter Technical College	64.1	43	151	6	Appellate Defense, Office of	64.2	42	16
18	Tax Commission	74.2	21	796	6	Coastal Council	69.5	28	42
18	Tri-County Technical College	72.5	25	228	6	Election Commission, State	76.8	15	17
18	York Technical College	67.2	35	199	6	Financial Institutions, Board of	60.0	48	573
15	Agriculture Department	60.2	47	198	6	Governor's School for Sci. & Math.	36.5	67	23
15	Aiken Technical College	62.7	44	112	6	Land Resources Conservation Comm.	66.1	38	62
15	Chesterfield-Marlboro Tech. College	51.6	60	65	6	Veterans' Affairs, Department of	57.0	54	18

Table II
Chart G-Comparison of Goal Attainment
Among Four-Year Colleges and Universities

Ranking		Agencies	Percent	Number of Goals	Number of Employees
Overall	Group				
7	1	Clemson University	82.1	51	4067
20	2	Winthrop College	74.4	42	728
26	3	University of South Carolina	71.6	51	5475
29	4	S.C. State College	68.4	45	760
45	5	Lander College	62.1	33	284
46	6	College of Charleston	60.8	33	629
52	7	Medical University	58.6	48	4878
53	8	Francis Marion College	57.1	39	419
63	9	The Citadel	48.3	45	535

Table II
Chart H-Comparison of Goal Attainment
Among Technical College

Ranking		Agencies	Percent	Number of Goals	Number of Employees
Overall	Group				
12	1	Trident Technical College	79.2	24	396
13	2	Midlands Technical College	78.7	18	519
17	3	Tech. & Comprehensive Ed.	76.1	15	129
24	4	Orangeburg-Calhoun Tech Coll.	73.0	18	160
25	5	Tri-County Technical College	72.5	18	228
33	6	Denmark Technical College	67.7	15	120
35	7	York Technical College	67.2	18	199
36	8	Greenville Technical College	66.9	21	506
40	9	Florence-Darlington Tech. Coll.	64.8	15	203
41	10	Piedmont Technical College	64.6	21	200
43	11	Sumter Technical College	64.1	18	151
44	12	Aiken Technical College	62.7	15	112
44		Spartanburg Technical College	62.7	15	187
59	13	Horry-Georgetown Tech. Col.	52.8	18	144
60	14	Chesterfield-Marlboro Tech.	51.6	15	65

Table III
Composition of the State Government Workforce
Full and Part-Time Positions
July, 1991

Grades	White Males		Black Males		White Females		Black Females		Total * Number
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
10 to 20	2479	12.1	3657	17.8	6529	31.8	7754	37.8	20,530
21 to 30	7324	29.2	3820	15.2	9131	36.4	4625	18.4	25,078
31 to 40	5347	42.3	770	6.1	5180	41.0	1190	9.4	12,636
41 to 50	1210	69.2	77	4.4	410	23.5	41	2.4	1,748
51 to 59	187	65.4	10	3.5	32	11.2	8	2.8	286
Unclassified	5017	58.8	385	4.5	2421	28.4	412	4.8	8,527
Totals	21,564	31.3	8,719	12.7	23,703	34.4	14,030	20.4	68,805

** State of South Carolina - 1990 Civilian Labor Force Annual Averages

White Males	37.7
Black Males	14.5
White Females	32.5
Black Females	14.3

* Other ethnic groups are not counted in white or black categories, but are included in totals.
Therefore, totals may be more than the sum of white plus black.

** These percentages reflect persons employed and unemployed who continue to seek employment, by race and sex.

Table IV
Number and Percent Changes by Job Grade, Race and Sex
Between FY 1990 and 1991

Full and Part-time Positions

Grades	White Males Number Percent		Black Males Number Percent		White Females Number Percent		Black Females Number Percent		Total* Number
10 to 20									
1990	2499	12	3674	17.7	6700	32.4	7685	37.1	20,668
1991	2479	12.1	3657	17.8	6529	31.8	7754	37.8	20,530
Change	- 20	+ .1	- 17	+ .1	-171	- .6	+ 69	+ .7	- 138
21 to 30									
1990	7157	29.3	3615	14.8	9063	37.1	4360	17.8	24,371
1991	7324	29.2	3820	15.2	9131	36.4	4625	18.4	25,078
Change	+ 167	- .1	+ 205	+ .4	+68	- .7	+ 265	+ .6	+707
31 to 40									
1990	5204	45.1	689	5.9	4510	39.1	998	8.6	11,517
1991	5347	42.3	770	6.1	5180	41.0	1190	9.4	12,636
Change	+ 143	- 2.8	+ 81	+ .2	+ 670	+1.9	+ 192	+ .8	+ 1119
41 to 50									
1990	1177	70.4	74	4.4	377	22.5	33	1.9	1,670
1991	1210	69.2	77	4.4	410	23.5	41	2.4	1,748
Change	+ 33	- 1.2	+3	0	+ 33	+ 1.0	+ 8	+ .5	+78
51 to 59									
1990	141	60.7	7	3.0	28	12.0	5	2.1	232
1991	187	65.4	10	3.5	32	11.2	8	2.8	286
Change	+46	+4.7	+3	+ .5	+ 4	- .8	+3	+ .7	+54
Unclassified									
1990	4935	59.9	375	4.5	2276	27.6	380	4.6	8,227
1991	5017	58.8	385	4.5	2421	28.4	412	4.8	8,527
Change	+82	- 1.1	+ 10	0	+ 145	+ .8	+ 32	+ .2	+ 300
Total (Classified and Unclassified)									
1990	21,113	31.6	8,434	12.6	22,954	34.4	13,461	20.1	66,685
1991	21,564	31.3	8,719	12.7	23,703	34.4	14,030	20.4	68,805
Change	+ 451	- .3	+ 285	+ .1	+ 749	0	+ 569	+ .3	+ 2,120

*Other ethnic groups are not counted in white or black categories, but are included in totals. Therefore, totals may be more than the sum of white plus black.

Table V

Composition of the State Government Workforce
By EEO Categories, Race and Sex
Classified and Unclassified, Full Time Positions Only

July, 1 1991

Category*	White Males		Black Males		White Females		Black Females		All Others		Total
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
<i>E-1</i> Executives	1,439	57.5	189	7.5	684	27.3	139	5.5	54	2.2	2,505
<i>E-2</i> Professionals	6,326	32.4	1,327	6.8	8,623	44.1	3,083	15.8	185	.9	19,544
<i>E-3</i> Technicians	1,962	42.5	292	6.3	1,629	35.3	675	14.6	61	1.3	4,619
<i>E-4</i> Protective Services	2,705	42.6	2,167	34.1	552	8.7	879	13.8	54	.8	6,357
<i>E-5</i> Paraprofessionals	454	6.1	868	11.7	2,315	31.1	3,779	50.7	34	.4	7,450
<i>E-6</i> Secretary/Clerical	260	2.6	169	1.7	6,550	65.2	3,012	30.0	59	.5	10,050
<i>E-7</i> Skilled Craft	2,071	67.4	853	27.8	89	2.9	45	1.5	13	.4	3,071
<i>E-8</i> Service Maintenance	1,557	24.7	2,466	39.1	433	6.9	1,816	28.8	34	.5	6,306

*These categories are used by all State agencies, colleges and universities.

continued

TABLE V

Composition of the State Government Workforce
by EEO Categories, Race and Sex
Classified and Unclassified, Full Time Positions Only

July 1, 1991

Category*	White Males		Black Males		White Females		Black Females		All Others		Total
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
C-1 Executives/Non-Academic	97	70.4	13	9.4	26	18.8	1	.7	1	.7	138
C-2 Executive/Academic	367	76.9	28	5.9	63	13.2	16	3.4	3	.6	477
C-3 Professors	1,147	85.3	20	1.5	122	9.1	8	.6	48	3.5	1,345
C-4 Associate Professors	921	70.6	44	3.4	272	20.8	27	2.1	41	3.1	1,305
C-5 Assistant Professors	574	48.3	53	4.4	429	36.1	50	4.2	83	7.0	1,189
C-6 Instructors	133	31.4	21	5.0	212	50.0	44	10.3	14	3.3	424
C-7 Lecturers	64	50.1	4	3.1	51	39.8	6	4.7	3	2.3	128
C-8 Other Academic	226	44.5	17	3.3	186	36.6	37	7.3	42	8.3	508
C-9 Other Non-Academic	223	52.8	50	11.9	89	21.1	54	12.8	6	1.4	422

* These categories are used only by four-year colleges and universities.

continued

TABLE V

Composition of State Government Workforce
By EEO Categories, Race and Sex
Classified and Unclassified, Full Time Positions Only

July 1, 1991

Category*	White Males		Black Males		White Females		Black Females		All Others		Total
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
T-1 Executives/Non-Academic	39	69.6	4	7.1	10	17.9	2	3.6	1	1.8	56
T-2 Executives/Academic	2	33.4	2	33.3	2	33.3					6
T-3 Faculty-Admin./Teaching	194	53.0	14	3.8	146	39.9	9	2.5	3	.8	366
T-4 Faculty/Teaching	434	41.7	50	4.8	460	44.2	79	7.6	18	1.7	1041
T-5 Faculty/Non-Teaching	6	17.6	2	5.9	17	50.0	6	17.7	3	8.8	34
Total Workforce	21,201	31.5	8,653	12.9	22,960	34.1	13,767	20.4	760	1.1	67,341

*These categories are used only by two-year technical colleges.

Table VI - Composition of State Government
by Race, Sex and Salary
As of July 1991

Salary in 1,000's	White Males		Black Males		White Females		Black Females		Total Number
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
0 - 2	17	60.71	0	0	9	32.14	2	7.14	28
2 - 3	12	85.71	1	7.14	1	7.14			14
3 - 4	11	57.89	2	10.53	5	26.32			19
4 - 5	13	65.00	1	5.00	5	25.00			20
5 - 6	13	22.03	15	25.42	14	23.73	17	28.81	59
6 - 7	18	21.69	8	9.64	30	36.14	24	28.92	83
7 - 8	13	15.66	4	4.82	44	53.01	21	25.30	83
8 - 9	19	14.29	35	26.32	31	23.31	47	35.34	133
9 - 10	8	9.64	11	13.25	43	51.81	19	22.89	83
10 - 11	113	11.92	277	29.22	152	16.03	399	42.09	948
11 - 12	161	15.62	277	26.87	154	14.94	436	42.29	1031
12 - 13	522	14.36	978	26.90	495	13.61	1621	44.58	3636
13 - 14	380	10.58	509	14.18	1265	35.24	1418	39.50	3590
14 - 15	554	23.47	571	24.19	533	22.58	688	29.15	2360
15 - 16	773	12.99	866	14.55	2409	40.48	1859	31.24	5951
16 - 17	755	16.33	1142	24.71	1334	28.86	1346	29.12	4622
17 - 18	462	14.02	412	12.50	1411	42.81	997	30.25	3,296
18 - 19	1048	25.93	602	14.89	1535	37.98	837	20.71	4,042
19 - 20	675	24.63	376	13.72	1041	37.98	622	22.69	2741
20 - 21	782	30.39	329	12.79	973	37.82	461	17.92	2573
21 - 22	773	26.73	293	10.13	1198	41.42	602	20.82	2892
22 - 23	1068	37.82	277	9.81	1089	38.56	366	12.96	2824
23 - 24	567	29.69	184	9.63	846	44.29	294	15.39	1910
24 - 25	754	34.52	182	8.33	961	44.00	267	12.23	2184
25 - 26	692	36.38	152	7.99	809	42.53	225	11.83	1902
26 - 27	647	34.78	135	7.26	828	44.52	222	11.94	1860
27 - 28	616	38.17	105	6.51	721	44.67	149	9.23	1,614
28 - 29	616	40.00	109	7.08	656	42.60	136	8.83	1,540
29 - 30	502	39.90	96	7.63	531	42.21	109	8.66	1258
30 - 31	527	42.09	72	5.75	525	41.93	110	8.79	1252
31 - 32	531	47.84	66	5.95	429	38.65	65	5.86	1110
32 - 33	454	45.17	53	5.27	411	40.90	70	6.97	1005
33 - 34	456	47.25	70	7.25	349	36.17	76	7.88	965

continued

Table VI - Composition of State Government
by Race, Sex and Salary
July 1991

Salary in 1,000's	White Males		Black Males		White Females		Black Females		Total Number
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
34 - 35	423	48.85	33	3.81	334	38.57	60	6.93	866
35 - 36	406	50.19	47	5.81	285	35.23	52	6.43	809
36 - 37	392	53.85	26	3.57	249	34.20	49	6.73	728
37 - 38	339	58.75	24	4.16	188	32.58	18	3.12	577
38 - 39	326	56.60	20	3.47	196	34.03	24	4.17	576
39 - 40	282	57.09	20	4.05	161	32.59	21	4.25	494
40 - 41	275	57.89	23	4.84	158	33.26	13	2.74	475
41 - 42	276	61.06	16	3.54	140	30.97	13	2.88	452
42 - 43	272	63.26	16	3.72	124	28.84	11	2.56	430
43 - 44	256	67.19	16	4.20	94	24.67	11	2.89	381
44 - 45	221	72.22	8	2.61	63	20.59	5	1.63	306
45 - 46	218	64.12	13	3.82	93	27.35	8	2.35	340
46 - 47	205	71.93	10	3.51	59	20.70	4	1.40	285
47 - 48	161	70.61	10	4.39	44	19.30	4	1.75	228
48 - 49	179	82.49	5	2.30	24	11.06	4	1.84	217
49 - 50	155	71.10	10	4.59	45	20.64	3	1.38	218
50 - up	2336	79.24	111	3.77	356	12.08	31	1.05	2948
Totals	21,274	31.30	8,618	12.68	23,450	34.51	13,836	20.36	67,958

*Salary column denotes thousand dollar increments

** Other ethnic groups are not counted in white or black categories, but are included in totals. Therefore, totals may be more than the sum of white plus black.

Staff Development and Training

The Staff Development and Training Division assesses training needs and resources, develops training programs, and coordinates the delivery of employment-related training programs. Training is provided for state agencies, local governments, businesses and professional associations.

The training that the Commission provides helps prevent employment discrimination and dispel myths that abound in the areas of affirmative action and equal employment by fostering a better understanding among employees and supervisors.

Seminars are designed to respond to the needs of the employer, agency or organization requesting the training.

Agendas include topics such as employment laws, affirmative action, interviewing "do's and don'ts," sexual harassment and investigation techniques. This year, due to numerous requests, the South Carolina Human Affairs Commission designed two new seminars, one to respond to complaints of racial harassment and cross-cultural conflicts and the other to address the newly passed Americans with Disabilities Act. The one day seminar, "*Communications*," utilizes case studies, group interactions and video tapes, and is offered to both the public and private sectors. The length of training sessions vary from one (1) hour to two (2) full days.

During fiscal year 1990-91, the division conducted 105 training sessions and seven (7) staff development programs. Supervisors and managers participated for over 500 contact hours.

Training Seminars receive high praises

"Our supervisors enjoyed the training and their evaluations of the training program were exceptionally high . . . " I believe this training greatly improved our supervisors understanding of affirmative action and employment law."

James Edwards, President, Medical University of South Carolina

"We were especially impressed with the way you forcefully, yet gently put the facts out on the table for all to see, and with the way you explained the two sides of affirmative action and what it really means."

John H. Heckman, Director of Personnel, Farm Credit Bank of Columbia

"I have never heard such sensitive issues presented in a more professional and digestible manner."

James A. McCaulley, Director, Richland County Detention Center

". . . you are to be congratulated for the excellent training you do. The material was well presented and received."

Gordon Hartwig, County Administrator, Georgetown County

"Your help in furthering the professional development of the State's public managers is a valued and worthy service and has enriched the experience of our participants."

John M. Palms, President, University of South Carolina

Staff Development and Training Seminars
July 1, 1990 to June 30, 1991

Date	Agency/Organization	Number of Participants
7-1-90		
7/15-19/90	International Assoc. of Official Human Rights Agencies	200
7-20-90	S.C. State College	40
8-1-90		
8-2-90	Florence County School District	20
8-7-90	Westinghouse - Savannah River Plant	30
8-15-90	Richland County	36
8-16-90	Richland County	25
8-16-90	Charleston County Police Recruit Class	25
8-21-90	S.C. State College	20
8-23-90	Internal Revenue Service	30
8-29-90	Richland County	23
8-30-90	Richland County	20
8-30-90	S.C. Motel Association Annual Meeting	65
9-1-90		
9-6-90	Richland County	30
9-18-90	Medical University of South Carolina	25
9-19-90	Medical University of South Carolina	25
9-21-90	S.C. Human Resource Management	15
9-25-90	Medical University of South Carolina	25
9-26-90	Medical University of South Carolina	34
9-27-90	Internal Revenue Service	45
10-1-90		
10-1-90	S.C. Department of Education	25
10-3-90	USC Sociology Class	25
10-4-90	S.C. Department of Education	26
10-5-90	S.C. Department of Education	25
10-9-90	S.C. Department of Highways and Public Transportation	35
10-11-90	S.C. Department of Education	25
10-12-90	S.C. Department of Education	22
10-16-90	S.C. Human Resource Management	15
10/19-23/90	National Association of Human Rights Workers	150
10-25-90	S.C. Budget and Control Board	25
10-30-90	S.C. Budget and Control Board	20
11-1-90		
11-5-90	Charleston County Police Recruit Class	30
11-8-90	S.C. Budget and Control Board	25
11/15-16/90	EEO and Your Organization	200
11-17-90	University of South Carolina - Aiken	25
11-20-90	S.C. Department of Highways and Public Transportation	40
11-27-90	WOIC Radio Talk Show	-
11-27-90	S.C. Budget and Control Board	25
11-29-90	S.C. Department of Mental Retardation	20

12-1-90		
12-4-90	University of South Carolina	75
12-6-90	University of South Carolina	75
12-7-90	University of South Carolina	130
12-10-90	Town of Bishopville	18
12-11-90	University of South Carolina	75
12-14-90	Darlington County	15
1-1-91		
1-10-91	Darlington County	25
1-10-91	S.C. Human Affairs Commission Staff Training	25
1-11-91	USC Medical University	20
1-14-91	Bechtel- Savannah River Plant	150
1-15-91	S.C. Department of Archives and History	15
1-18-91	Bechtel-Savannah River Plant	150
1-22-91	S.C. Budget and Control Board	35
1-24-91	S.C. Human Resource Management	20
1-25-91	Bechtel-Savannah River Plant	150
1-29-91	S.C. Archives and History	
1-31-91	Medical University of South Carolina	25
2-1-91		
2-1-91	Medical University of South Carolina	25
2-6-91	Medical University of South Carolina	25
2-7-91	Medical University of South Carolina	25
2-12-91	Vocational Rehabilitation Department	18
2-13-91	S.C. Department of Highways and Public Transportation	75
2-22-91	S.C. Personnel Association	50
2-19-91	S.C. Department of Highways and Public Transportation	60
2-26-91	S.C. State College	5
2-27-91	Internal Revenue Service	15
2-28-91	NAHRW/IAOHRA Conference	75
3-1-91		
3-6-91	Darlington County	20
3-7-91	S.C. State College	38
3-7-91	USC Executive Institute	20
3-7-91	S.C. School Administration Association	25
3-8-91	University of South Carolina	22
3-12-91	S.C. Human Affairs Commission Staff Training	15
3-13-91	S.C. Department of Social Services	55
3-15-91	University of South Carolina	22
3-18-91	Florida Association of Civil Rights	45
3-18-91	University of South Carolina - Aiken	55
3-20-91	Internal Revenue Service	40
3-21-91	S.C. Department of Human Resource Management	15
3-22-91	University of South Carolina	20
3-23-91	USC Spartanburg Women's Fest	35
3-28-91	University of South Carolina	20
3-29-91	S.C. Human Affairs Commission Staff Training	10

4-1-91		
4-2-91	Berkeley County	37
4-4-91	C.U.P.A.	35
4-5-91	S.C. Human Affairs Commission Staff Training	18
4-12-91	University of South Carolina	20
4-18-91	USC - Successful Supervision	25
4-25-91	Greenville County	80
4-26-91	S.C. Human Affairs Commission Staff Training	20
5-1-91		
5-1-91	Western Carolina Sewer Authority	15
5-3-91	University of South Carolina	15
5-6-91	Bechtel - Savannah River Plant	160
5-9-91	Local Union 3706	65
5-15-91	University of South Carolina	15
5-16-91	S.C. Human Resource Management	20
5-17-91	S.C. Human Affairs Commission Staff Training	15
5-24-91	University of South Carolina - Sumter	15
5-30-91	Charleston County Police Recruit Class	25
6-1-91		
6-11-91	S.C. Department of Highways and Public Transportation	45
6-13-91	S.C. Department of Mental Health	30
6-14-91	Georgetown County	42
6-18-91	Bechtel - Savannah River Plant	75
6-19-91	S.C. State College	25
6-21-91	Spartanburg Mental Health	30
6-25-91	Bechtel - Savannah River Plant	70
6-27-91	Florence/Darlington Tech	62
Total Number of Training Sessions Conducted:		105
Total Trained		3937

Community Relations

Background

The Community Relations Division was created to encourage local resolution of local problems and to foster better community relations throughout the State. This section uses conference, conciliation and persuasion to bring together cross-sections of people to resolve disputes involving discrimination in police relations, public accommodations, housing, education, business practices and other non-employment issues.

Activities

The Community Relations Division is responsible for nine program areas: 1) establishing and consulting with local Community Relations Councils; 2) processing of non-employment complaints; 3) coordination of activities with the U.S. Department of Education, Office for Civil Rights; 4) Federal Highway Administration Survey; 5) South Carolina Project Notification and Review System; 6) South Carolina Emergency Preparedness program; 7) technical assistance and referrals; 8) enforcement of the South Carolina Public Accommodations Act; 9) enforcement of the South Carolina Fair Housing Law.

Community Relations Councils

Since its inception, the S.C. Human Affairs Commission has tried to link state government to community groups by assisting in the establishment of local councils. The Division of Community Relations will send members of its staff to any community relations council meeting upon request. If a community has an existing council or committee, the Division offers its support and resources. The Division staff can advise a council on identifying problems, setting priorities in program planning and development, and planning a funding process for community projects.

Should a council encounter a problem or task about which further information is needed or which needs to be referred to a state or federal agency, the Division of Community Relations has an extensive resource library which can help in determining who should be contacted. Formal recognition of local community relations councils is a matter of policy of the Human Affairs Commission. Those councils meeting the Commission's requirements are afforded an opportunity to resolve, at a local level, many complaints which are brought to the Commission. The process minimizes state intervention in local affairs.

The requirements for establishing a community relations council to be recognized by the Human Affairs Commission are as follows:

- (1) Each council must be composed of (5) or more citizens organized for the purpose of promoting harmony, bettering human affairs, and encouraging fair treatment for, and fostering mutual understanding and respect among, all local citizens.
- (2) Each council should have the written endorsement and support of the mayor, city or county council.
- (3) Any local council which is unable to obtain the endorsement of its local government must have a membership of fifteen (15) or more local citizens.
- (4) Each council's membership should be representative of the community at-large with a fair representation of all racial and ethnic groups, and a fair representation by sex.
- (5) Each council wishing to be recognized by the State Human Affairs Commission shall send to the Commission's Division of Community Relations a copy of the council's

During the year, the Community Relations Staff contacted 263 community organizations statewide and met with groups in Columbia, Rock Hill, Lancaster, Charleston, Spartanburg, Conway, Myrtle Beach, Barnwell, Cayce-West Columbia, Clinton, and Aiken. There are currently 24 recognized community relations councils in the State.

Summary of Non-Employment Discrimination Complaints

The Division of Community Relations reviews and investigates non-employment discrimination complaints under Section 1-13-90(e) and 1-13-70(n) of the South Carolina Code of Laws, as amended. The Commission is empowered " . . . to investigate problems in human affairs in the State and in connection therewith, to hold hearings, to request the attendance of persons who shall give testimony, to receive for the record of any such hearing written statements, documents, exhibits and other items pertinent to the subject matter of any such hearing, and following any such investigation or hearing to issue such report and recommendations as in its opinion will assist in effectuating the purposes of (the Human Affairs Law)."

At the beginning of the 1990-91 fiscal year the Division had 22 active complaints carried over from the previous year. During the fiscal year the Division received an additional 50 complaints for a total of 72 complaints. Thirty-five of the 72 complaints were completed during the year. Chart A shows a breakdown of complaint activity between July 1990 and June 1991. (See Chart A).

In addition to the 72 non-employment complaints, the Division received twelve (12) complaints filed under the South Carolina Fair Housing Law. The Division closed six (6) of the housing complaints.

The following are four examples of cases processed during the fiscal year:

CASE # 1

Business Practices

The Commission received and investigated a complaint whereby the complainant, a female, alleged that the respondent charged men less money than they do females for the same service. The Commission's investigation learned that the Complainant's allegations had merit whereby women were charged more money for less services than those received by males for a lesser charge.

The Commission conducted a conciliation conference and was able to resolve the matter and conciliation was reached and an agreement signed. The Agreement allowed the complainant to receive a refund of money spent and the Respondent's agreeing to develop policies and regulations to govern their management's procedures to resolve future contract disagreements.

The Commission closed its file upon fulfillment of the Conciliation Agreement.

CASE #2

Business Practices

The Commission received a complaint from a black female alleging that the Respondent discriminated against her family because of their race. The Complainant alleges that the Respondent mistreated her and her family, threatened to summon the police and made racist remarks directed towards her family. The Commission investigated the complaint and the findings revealed that a situation did occur between the Complainant, her sons, and the white female manager of the respondent. Investigation revealed that words were exchanged by both parties which were construed to be racial in nature.

The Commission was able, after continuing efforts, to resolve the matter. A Conciliation Agreement was signed by all parties whereby the Respondent agreed to allow the Commission to conduct sensitivity training for their staff. The complaint was closed after the training was conducted.

CASE # 3

Public Service

The Commission received a complaint, in April 1990, alleging that the Respondent, a community service organization, denied the Complainant an employment referral because of her age (42). The Commission investigated the complaint and learned that the Respondent was not an employment agency but rather was administering a "Job Training Program". The program provided employability training workshops and 80 hours of on-the-job training.

The Commission's investigation learned that the Job Training Program was funded by a Community Services Block Grant and was designed and targeted to serve low income persons between the ages of 16-40. Investigation further learned that the Respondent employee, who spoke to the Complainant, informed the Complainant about the eligibility requirements of the program and offered to refer the Complainant to different employment services.

The Commission explained its findings to the Complainant. The Complainant was informed that the Respondent was willing to work with her and encouraged her to do so. The Complainant was not willing to cooperate with the Commission's efforts to assist and the matter was eventually closed based upon the Complainant's failure to cooperate.

CASE # 4

Law Enforcement

The Commission received a complaint on September 26, 1990 from a black male alleging that while shopping, a store keeper summoned the police and that the police harassed, humiliated and detained him because of his race. The Complainant alleged that he cooperated with police when he was requested to produce his identification and was allowed to leave. The Complainant alleged that a few minutes after being allowed to leave the police stopped him and again requested him to identify himself.

The Commission served the complaint on the Respondent and investigated the allegation. The Commission learned that the Respondent officers were responding to a call for service from a woman's apparel store, who was alleging that the complainant was spending an extended period of time in the store without purchasing anything. It was learned that when the Respondent officers asked the complainant for his identification he refused, but did identify himself as a South Carolina Highway Patrolman. Complainant then left the scene. However, as the Complainant was driving away the Respondent officers noticed Complainant's vehicle had paper tags on it which gave the officers reason to stop the Complainant and require proof of identification.

The Commission was able to work out a Conciliation Agreement between the parties; however, the Complainant failed to cooperate in the signing of the Agreement and in accordance with 1-13-90 (e) the complaint was dismissed.

Department of Education, Office for Civil Rights:**Memorandum of Understanding**

On July 30, 1984, the South Carolina Human Affairs Commission signed a Memorandum of Understanding (MOU) with the United States Department of Education, Office for Civil Rights (OCR). Under the provisions of this memorandum, the Commission and OCR must notify each other of the existence of all complaints of discrimination against recipients of financial assistance from the Department of Education or from any other agency of the Federal Government which has delegated its initial civil rights responsibilities to the Department of Education.

During the year, the Division of Community Relations notified OCR of 69 complaints involving an educational institution and OCR notified the Commission of 284 complaints.

Federal Highway Administration Survey

Title 23, United States Code, Section 219 stipulates that minority communities receive adequate consideration in the selection and administration of "off-system" road projects. Areas to be served with "off-system" funds must be rural in character. Cities and towns with populations less than 5,000 also may qualify for funds under the program.

The Division assists in the collection of data from minority communities in South Carolina, when requested to do so. The information, which is collected from various sources including the South Carolina Department of Research and Statistics, the South Carolina Budget and Control Board, the Municipal Association of South Carolina, the South Carolina Association of Counties, and the Governor's Office is then provided to the United States Department of Transportation, Federal Highway Administration.

Project Notification and Review System

On July 14, 1982, President Reagan signed Executive Order 12372, "Intergovernmental Review of Federal Programs." This Executive Order, which took effect October 1, 1983, rescinded Office of Management and Budget Circular A-95. Under Executive Order 12372, the Governor's office is responsible for coordinating the review of Federal project notifications. The State Human Affairs Commission is one of twelve central service agencies providing technical assistance to the Governor's office for that purpose. The Commission's primary responsibility is to ensure that Federal funds are not used in a discriminatory manner.

The Division reviewed 1074 project notifications during the 1990-91 fiscal year (See Chart B).

Emergency Preparedness

The Governor's Office of Executive Policy and Programs Division of Public Safety has designated the Human Affairs Commission as one of the State agencies to participate in emergency management activities in the event of a natural or man-made disaster. The Division of Community Relations provides representatives to the Public Information Section of the Emergency Preparedness Division to release information to the news media and the public during emergency situations. Duties are performed according to the South Carolina Emergency Preparedness Plan. During emergency situations such as hurricanes, tornadoes, floods, or nuclear accidents, it becomes the responsibility of the Public Information Section to gather information from the site of the disaster and make it available to the news media and the public through the State Emergency Broadcast System (EBS). Division staff participated in one exercise during the fiscal year, conducted at the Savannah River Site. The Division staff provided manpower to the Public Information Section during Hurricane Hugo and participated in a workshop addressing the aftermath of Hurricane Hugo.

Technical Assistance and Referrals

Each day Division staff members answer questions from the public and, when necessary, refer persons to appropriate agencies. The Division has developed an extensive list of state-wide referral agencies for this purpose. In-service training for Community Relations Consultants has included such topics as tenants' rights, prisoners' rights, court procedure, and federal civil rights legislation. The training has prepared the Community Relations Division to deal effectively with questions posed by persons who call on the telephone, write letters or visit the office. During the year, 1996 inquiries were made by the public and 92 referrals were made to other agencies. The remaining inquiries were handled in-house.

Special Community Project

"Say Yes to Youth, Incorporated"

On January 24, 1990, the Human Affairs Commissioner initiated a community forum inviting high school students, professionals, and civic leaders to discuss youth crime and violence, drug abuse, and teenage pregnancy.

As a result of the forum, over 100 community volunteers convened to serve on a task force to address these issues and to find some meaningful approaches and lasting solutions. The Steering Committee of the Community Forum was formed and, in conjunction with the three (3) task forces, identified four common goals. The goals are:

1. Reduction of idle time.
2. Prevention through education.
3. Improve parent/child relationships.
4. Develop a peer intervention program for youths and adults.

On May 29, 1990, the three (3) task forces were incorporated by the State of South Carolina. The purpose of the Corporation is to promote through cultural and educational services, positive reinforcement among youth and young adults regarding current problems of drug abuse, youth crimes and violence, and teenage pregnancy.

Males Place Project

The Teenage Pregnancy Task Force initiated the idea of developing a program to reduce adolescent pregnancy by encouraging responsible sexual behavior on the part of males between the ages of 14 and 25. As a result of this idea being planted, the "Say Yes To Youth" organization, which encompasses all of the task forces, sought and received a developmental grant from the Health and Human Services Finance Commission totaling \$51,000 dollars. They also received a \$10,000 grant from the March Of Dimes to enhance the Males Place Project. This needed service, supporting the development of community awareness and involvement in the prevention of teenage pregnancy through education and outreach, included Richland, Lexington, Newberry and Fairfield Counties.

1991 Showcase Of Schools

Students from twelve (12) high schools in Richland School Districts One and Two joined forces for an extravaganza March 16, 1991 at the State Fairgrounds.

With the theme "We Are Many, We Are One," the exhibition spotlighted the outstanding public education programs in the school through an exciting array of exhibits and live performances.

The students dedicated this year's showcase to the men and women of the United States Armed forces in the Persian Gulf Region,

Hands Around The Statehouse

On October 20, 1990, the South Carolina Human Affairs Commission supported the first annual Hands Around the Statehouse. The purpose of this activity was to encourage youth and adults to come together in a meaningful educational experience that focuses on the need for young and old to unite in an effort to achieve a healthy, drug-free community.

This goal was accomplished through a collaborative effort of youth-serving agencies, businesses, and core groups. Children and adults from around the midlands joined hands and circled the entire Statehouse as a symbol of our interdependence on one another.

Hands Around the Statehouse is sponsored by the Cities in Schools Youth Collaborative's Adapt (the Alcohol and Drug Prevention Team); this group is made up of dozens of organizations and drug abuse prevention teams.

CHART A
Complaints Filed Under Section 1-13-90-(e), 13-21-10 and 45-9-10
Non-Employment Complaints)
July 1, 1990 - June 30, 1991

Category	Police	Justice	Prisons	Health & Social	Public Service	Education 31-21-10	Housing	Public Acc.	Banking & Credit	Business Practice	Housing 90(e)	others*	Totals
Complaints Brought Forward	2	5	1	0	3	3	0	2	0	3	2	1	22
Complaints Filed	9	1	1	1	3	4	12	8	1	9	9	3	61
Complaints Resolved	-	-	-	-	-	2	1	-	-	2	-	-	5
Complaints Referred	-	1	-	-	-	1	1	-	-	-	-	-	3
Unable to Resolve	1	-	-	-	-	-	-	-	-	1	-	-	2
Dismissed	2	2	-	-	4	1	2	4	1	3	11	1	31
Withdrawn by Complainant	-	-	-	1	-	1	2	1	-	-	-	-	5
Pending	8	3	2	0	2	2	4	5	0	6	0	3	35

CHART B
Project Notification and Review Activity
July, 1990 - June, 1991

Category	July	August	September	October	November	December	January	February	March	April	May	June	Totals
Secondary Education	7	8	3	4	8	2	7	1	4	12	4	12	72
Higher Education	1	3	4	5	6	0	5	5	4	15	15	6	69
Vocational Education	3	1	1	0	4	3	1	4	1	9	0	1	28
Day Care/Pre-School	1	5	1	1	3	1	2	0	1	11	6	10	42
Law Enforcement	0	0	0	0	1	0	0	0	0	0	0	0	1
Housing	19	35	24	14	13	10	9	4	19	8	3	3	161
Employment	1	2	0	0	0	1	0	0	0	2	3	1	10
Recreation	8	2	0	0	0	0	1	0	0	1	0	0	12
Elderly/Retired	1	1	3	1	10	2	0	0	1	1	4	5	29
Water and Sewer	7	10	13	11	8	5	3	4	7	5	6	7	86
Transportation	11	28	17	5	5	1	3	13	13	45	8	8	157
Health Services	4	9	3	5	6	5	4	2	9	6	2	5	60
Other	17	42	33	40	28	18	19	21	31	40	27	31	347
TOTALS	80	146	102	86	92	48	54	54	90	155	78	89	1074

COMPLIANCE PROGRAMS

- **Investigative and enforcement arm of the Commission**
- **Receives, investigates and resolves complaints of unlawful discriminatory employment practices**
- **Has authority to investigate any South Carolina employer with fifteen or more employees**
- **The Compliance Programs Unit includes Public Sector Investigations, Private Sector Investigations and Age and Disability Investigations**

Background

The Compliance Programs Unit serves as the investigative and enforcement arm of the Commission with the goal of preventing and eliminating employment discrimination that is unlawful under the South Carolina Human Affairs Law.

The primary responsibilities of the Compliance Programs Unit are to receive, investigate and resolve complaints alleging unlawfully discriminatory employment practices filed against employers in South Carolina on the basis of race, color, sex, age, religion, national origin or handicapping conditions. The Unit's jurisdiction covers all employers in South Carolina who employ fifteen (15) or more employees for at least twenty (20) consecutive weeks in the current or preceeding calendar year.

Three divisions compose the Compliance Programs Unit. They are:

- **Public Sector Investigations**, which processes employment discrimination complaints filed against South Carolina state government agencies and their local subdivisions, city and county government agencies and regional government agencies.
- **Private Sector Investigations**, which processes employment discrimination complaints filed against private sector employers in South Carolina.
- **Age and Disability Investigations**, which processes employment discrimination complaints in both the public and private sector filed on the basis of age or handicap discrimination.

The Complaint Process

When the Compliance Programs Unit receives a complaint, it will begin the investigatory process when the following information is confirmed: (1) the requisite number of employees is verified; (2) a cause of action is cited; and (3) the complaint is filed within 180 days of the alleged violation, unless it is of a continuing nature. The Unit's three investigative divisions attempt to resolve all complaints

when they are initially filed by the "negotiated settlement" or "no fault settlement" process. Amicable, expeditious settlements benefit both parties, and is the goal of each investigation. Complainants obtain relief and respondents face reduced expenses and minimal liability.

Should the early settlement process fail, the Human Affairs Commission must then initiate a full investigation and render a final decision. If it is determined that no reasonable cause exists to support the allegations, the complaint is dismissed and a "notice of right to sue" is issued. This enables the complainant to take an allegation to circuit court within one hundred twenty (120) days after the issuance of "a notice of right to sue."

If the investigation establishes that reasonable cause exists to support the complainant's allegations, the staff attempts to conciliate the matter. When an investigation shows unlawful discrimination did occur, the Human Affairs Commission's role is to "make the person whole," or restore the person to the position he or she would have held had the discriminatory act not occurred.

In the *Public Sector Investigations Division*, if a complaint against a state agency cannot be conciliated, a "notice of right to sue" may be issued or the results of the investigation may be presented to the Human Affairs Commission for a formal public hearing. In this instance, a panel of three (3) members from the Commission's *Governing Board* is appointed. If the hearing panel determines "reasonable cause" exists to support any discrimination allegation, an "order" will be issued ensuring appropriate relief. Such an "order" is enforceable.

In the *Private Sector Investigations Division* and the *Age and Disability Investigations Division*, if conciliation efforts fail during an investigation, the Commission can issue a "notice of right to sue" to the complainant or initiate litigation itself. The Commission does not have the authority to compel a private sector employer to appear before a public hearing. However, the Commission does have the power of subpoena over all employers in South Carolina should they fail to provide required or requested information during the course of an investigation.

In all complaints where the Commission finds that "no reasonable cause" exists to support an allegation of discrimination, the Commission issues a "notice of right to sue" which gives the complainant the option of having their complaint heard judicially after they have exhausted their administrative remedies before the Commission.

Deferral Responsibility to the Federal Government

Record Complaint Activity Continues During 1990 -91 Fiscal Year

On March 2, 1979, the South Carolina Human Affairs Law was amended to cover the private sector. Effective August 10, 1979, the United States Equal Employment Opportunity Commission (EEOC) officially designated the Commission as a deferral agency for all employment discrimination complaints. The impact of full deferral status has resulted in a continued increase in the number of employment discrimination complaints received and processed by the Commission over the past eleven (11) years. Fiscal Year 90-91 marked the first year the S.C. Human Affairs Commission has processed more than two thousand complaints for the year (a total of 2,023 complaints were processed, establishing an all time high for the Commission), an overall increase of twelve (12%) over the 1989-90 fiscal year, during which the previous record was set.

"Deferral" means that complaints filed directly with U.S. Equal Employment Opportunity Commission under Title VII of the Civil Rights Act of 1964, as amended, must be forwarded to the Human Affairs Commission for processing under State law for the first sixty (60) days after the filing date.

In determining what it will do with the results of a particular deferred complaint, the U.S. Equal Employment Opportunity Commission must give substantial weight to the final action taken by the Human Affairs Commission. Deferred complaints from EEOC are processed in the same manner and

according to the same standards as if they had been filed directly with the Human Affairs Commission under State law.

Certified Federal Contractor

S.C. Human Affairs Commission Recognized for Exemplary Performance

The 1990-91 fiscal year marks the S.C. Human Affairs Commission's seventh year with certification status. This status means that the Human Affairs Commission's final actions are not subject to a case by case review by the United States EEOC. This prestigious status is only granted to deferral agencies which have demonstrated exceptional performance for a minimum of four years under deferral status. During the 1990-91 fiscal year, the Human Affairs Commission was recognized by the United States EEOC for its exemplary performance as a certified agency, and once again attained a 100 percent acceptance rate on all final actions submitted to the United States EEOC for approval.

Discrimination Against the Handicapped

An Overview on Complaint Activity For The 1990-91 Fiscal Year

The "Bill of Rights for Handicapped Persons" was signed into law on June 13, 1983. The 1990-91 fiscal year marks the eighth year the S. C. Human Affairs Commission has formally processed complaints of employment discrimination against the handicapped. In so doing, South Carolina has followed 45 states and the District of Columbia in providing some statutory protection for the handicapped. Discrimination against those with substantial and permanent physical or mental impairments (not including mental illness) with respect to employment, public accommodations, public services and housing is prohibited. No existing legal protections are reduced by the bill, but there are a number of limitations. During this fiscal year, the Human Affairs Commission processed a total of thirty-five (35) employment-related handicap complaints.

Covered handicaps must be verified by medical findings. Discrimination based on a determination of "reasonable justification" is not unlawful. An affirmative defense must be pleaded and proved by the decision maker, the determination of "reasonable justification" is to be based on factors of safety, efficiency and cost, among others. An employer's determination concerns whether the mental or physical limitation interferes with the performance of the work involved. This mirrors an exception in the definition of "handicap" which, with respect to employment, means an impairment which is "unrelated to the individual's ability to engage in a particular job or occupation." The definition also excludes for all purposes "any individual who is an alcohol, drug, narcotic or other substance abuser, or who is only regarded as being handicapped."

Section 4 of the Bill authorizes resort to the Court of Common Pleas, injunctive relief or civil damages, not to exceed \$5,000 actual (financial losses) damages, plus attorney's fees and costs for any violation of this law. However, Section 5 provides that complaints of prohibited employment discrimination against the handicapped shall be subject to jurisdictional, procedural and other provisions of the South Carolina Human Affairs Law (H.A.L.), Section 1-13-10 et seq. of the 1976 Code of Laws of South Carolina, as amended. This includes the remedies of the H.A.L. (Section 1-13-90(d)(9) of the Code, as amended), which are not limited to \$5,000 and do not authorize attorney's fees and costs. Although these remedial provisions appear to be contradictory, generally the latter and more specific or detailed legislative pronouncement (the reference to the H.A.L.) is controlling.

Procedurally, the Court of Common Pleas has the authority to dismiss a handicap employment discrimination suit unless (1) a complaint has been filed with the South Carolina Human Affairs Commission within 180 days after the alleged discrimination occurred; (2) the Human Affairs Commission has issued a notice of right to sue; and (3) less than one year has passed from the date of the violation alleged (unless extended by the respondent's written consent). However, the court may waive these administrative, procedural prerequisites, (Section 1-13-90(a) and (d) (6) (7) and (8) of the Code, as amended, under certain extraordinary circumstances in the interest of fairness and justice between the parties.

As with any type of discrimination prohibited by the Human Affairs Law (race, religion, color, sex, age or national origin), when the Human Affairs Commission determines that reasonable cause exists to believe that discrimination occurred, it may schedule a public hearing before a panel of three Commissioners on behalf of a state employee, or may bring suit in a circuit court of competent jurisdiction against any other covered employer.

Because the provisions of the S.C. Human Affairs Law apply, only employers of fifteen or more employees (on the payroll) for twenty or more calendar weeks in the current or preceding calendar year are covered. Also, Section 8 of the Handicap Bill exempts contractors or subcontractors who are "subject thereby (federal contracts of \$2,500.00) to federal law governing discrimination in employment" (Rehabilitation Act of 1973, 29 U.S.C. 706 et seq.).

Complaint Activity

Total Final Actions Establishes All Time S.C. Human Affairs Commission Record

During the period July 1, 1990, through June 30, 1991, the Commission's Compliance Programs Division processed to a final conclusion an all-time record total of 1,005 employment discrimination complaints. This figure represents a seventeen percent (17%) increase in the number of complaints processed this fiscal year when compared to last year's final actions of 855 complaints. In addition, the Commission's Intake and Referral Section received a record number of inquiries (more than 15,000) from various sources. Although most of these inquiries did not result in the filing of formal complaints, they did require considerable staff time and effort.

Analysis of the Compliance Programs activity is given in Tables 1, 2, 3, and 4 and Charts A-1, A-2, B and C. Monetary benefits received by complainants totaled \$650,729.00 during the 1990-91 fiscal year, an overall increase of 56.2% over the previous fiscal year.

Analysis of Increased Complaint Activity

The Commission's overall complaint intake activity increased 5.7%, from 1,312 cases received in 1989-90 to 1,387 cases for the period of July 1, 1990, through June 30, 1991. Increases continue to be shown in case activity filed on the basis of sex and age discrimination, while race discrimination cases continued to dominate the most significant percentage of cases filed.

Race was the basis in 40 percent of the cases filed during the period, while sex was cited in 22 percent of the cases. Age was cited as the basis of 15 percent of the cases filed, and Race & Sex/ Multiple issues cited in 14 percent of all cases filed.

During the period, 29 percent of the total charges filed were filed by white females, 17 percent were filed by white males, 25 percent by black males, 27 percent by black females and 2 percent on behalf of others.

During the period, 27 percent of the total charges disposed of or resolved were on behalf of black females, 31 percent on behalf of black males, 16 percent on behalf of white males, 25 percent on behalf of white females, and 1 percent on behalf of others.

Settlements increased three (3) percent over the previous fiscal year. 24 percent of all settlements went to black males, 38 percent went to black females, 14 percent to white males, 23 percent to white females, and 1 percent to others. The greatest increase in terms of charges settled was on behalf of white males which increased by 2 percent over the previous fiscal year. The highest settlement in terms of dollar amount was awarded to a white male who filed on the basis of age.

TABLE 1
History of Employment Complaint Activity
by Fiscal Year

Category	72/73	73/74	74/75	75/76	76/77	77/78	78/79	79/80	80/81	81/82	82/83	83/84	84/85	85/86	86/87	87/88	88/89	89/90	90/91
Complaints Received	30	69	144	168	178	122	131	679	823	819	904	1,027	858	1,166	977	1,158	1,205	1,312	1,387
Complaints Brought From Preceding FY	0	41	31	25	31	31	22	55	386	164	193	327	450	409	411	467	485	495	636
Complaints Waived During FY	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	382	238	95	254	207	536	219	357	453	316	415
Total Active Complaints Processed During FY	60	110	175	193	209	140	153	741	827	745	1,002	1,100	1,101	1,041	1,169	1,268	1,237	1,491	1,608
Complaints Processed To Completion During FY	19	79	150	162	178	118	98	355	663	552	675	650	692	630	702	783	742	855	1,005
Complaints on Hand At End of FY	41	31	25	31	31	22	55	386	164	193	327	450	409	411	467	485	495	636	603

EMPLOYMENT
DISCRIMINATION COMPLAINTS RECEIVED BY BASIS
FISCAL YEAR 1990-91

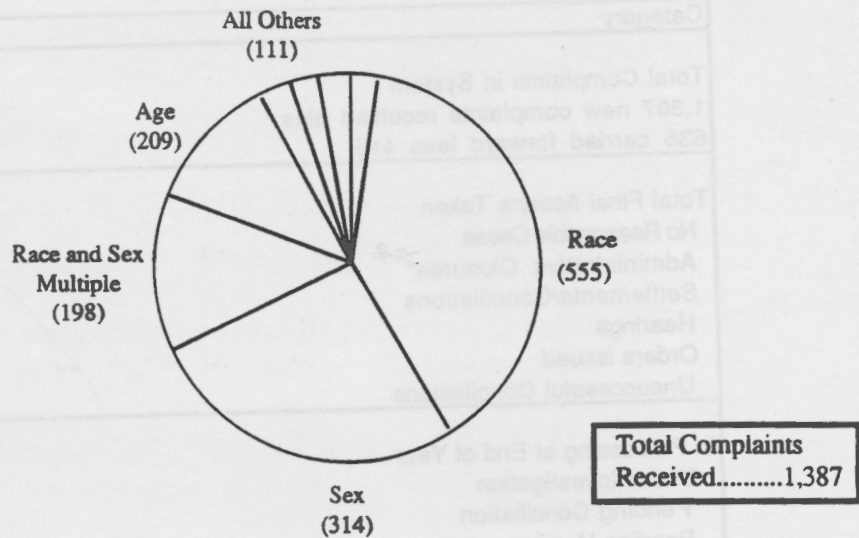
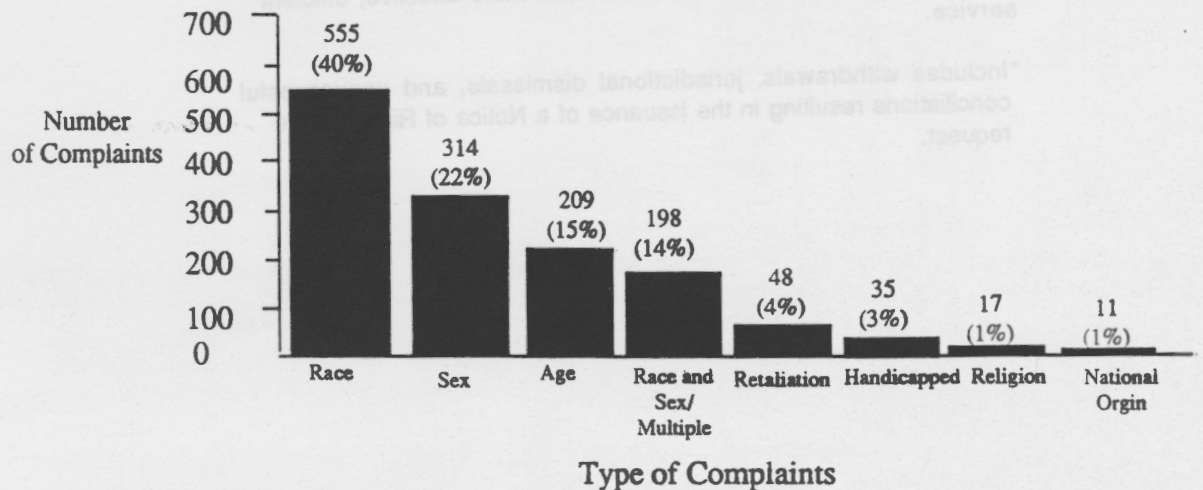


TABLE 2
Employment Complaints received by Basis
Fiscal year 1990-91



TOTAL COMPLAINTS RECEIVED FY 1990-91.....1,387

Note: of the 314 complaints received in the "Sex" category, one hundred three(103)were filed on the basis of sexual harassment

Table 3

**Status of Employment Complaint Activity
During Fiscal Year 1990-91**

Category	Total
Total Complaints in System 1,387 new complaints received plus 636 carried forward less 415	1,608
Total Final Actions Taken	1,005
No Reasonable Cause	669
Administrative Closures*	102
Settlements/Conciliations	231
Hearings	0
Orders Issued	0
Unsuccessful Conciliations	3
In Processing at End of Year	603
Under Investigation	603
Pending Conciliation	0
Pending Hearing	0
Monetary benefits received by complainants during fiscal year 1990-91	\$650,729.00

During the fiscal year, Compliance Programs continued to review and revamp its complaint processing procedure. From intake (the Complainant's initial interview) to early resolution, to investigation, to determination and, if necessary, to conciliation, a very coordinated set of mechanisms is in place to ensure even more effective, efficient service.

*Includes withdrawals, jurisdictional dismissals, and unsuccessful conciliations resulting in the issuance of a Notice of Right to Sue request.

COMPLIANCE PROGRAMS UNIT

COMPLAINT STATUS REPORT - Table 4

For the period July 1, 1990 to June 30, 1991

Description	Number	Percent
1. Active Complaints Brought Forward Into FY 1990-91	636	
2. Complaints Received This Reporting Period:	1,387	
By Categories:		
Race	555	40
Sex	314	22
Age	209	15
Religion	17	1
National Origin	11	1
Race & Sex/Multiple	198	14
Handicapped	35	3
Retaliation	48	4
3. Total Complaint Activity (Line 1 + Line 2)	2,023	100%
4. Complaints Waived to the Equal Employment Opportunity Commission during Reporting Period:	415	
Race	115	28
Sex	89	22
Age	105	25
Religion	1	0
National Origin	6	1
Race & Sex/Multiple	79	19
Handicapped	0	0
Retaliation	20	5
5. Total Complaints This Reporting Period	1,603	100%
6. Investigations Completed:	1,005	
By Categories:		
Race	450	45
Sex	257	25
Age	126	13
Religion	12	1
National Origin	9	1
Race & Sex/Multiple	105	10
Handicapped	21	2
Retaliation	25	3
7. Final Actions:	1,005	100%
Administrative Closures	102	10
No Cause	669	67
Cconciliations/Settlements	231	23
Monetary Value of Settlements - \$650,729.00		
Unsuccessful Conciliations	3	
Hearings	0	
Orders Issued	0	
8. Active Cases on Hand at End of Reporting Period:	603	
Status:		
Under Investigation	603	
Pending Concillation	0	
Pending Hearing	0	

COMPLAINTS RECEIVED FISCAL YEAR 1990-91

(July 1, 1990 - June 30, 1991)

EMPLOYMENT

NON-EMPLOYMENT

Type of Complaint	Number Received	Percentage of Total	Type of Complaint	Number Received	Percentage of Total
Race	555	40.0%	Business Practice	9	14.8%
Sex	314	22.0%	Housing	21	34.4%
Race/Sex Multiple	198	14.0%	Police	9	14.8%
Age	209	15.0%	Education	4	6.6%
Retaliation	48	4.0%	Prison	1	1.6%
Handicapped	35	3.0%	Public Service	3	4.9%
Religion	17	1.0%	Justice	1	1.6%
National Origin	11	1.0%	Public Accommodations	8	13.1%
TOTAL	1,387	100.0%	Health/Social	1	1.6%
SUMMARY <i>Total Employment Complaints Received.....1,387</i> <i>Total Non-Employment Complaints Received..... 61</i> <i>Total Complaints Received.....1,448</i>			Banking/Credit	1	1.6%
			Other	3	4.9%
			TOTAL	61	100.0%

EMPLOYMENT COMPLAINTS HANDLED

FISCAL YEAR 90-91

(July 1, 1990- June 30, 1991)

1,387 Received + 636 Brought Forward - 415 Waived = 1,608

Final Actions Taken.....	1,005
No Reasonable Cause.....	669
Administrative Closures.....	102
Settlements/Conciliations.....	231
Unsuccessful Conciliations.....	3
On Hand at Year-End.....	603
Under Investigation.....	603

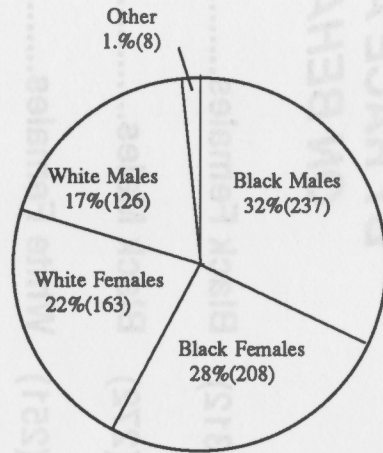
CASES CLOSED BY RACE AND SEX ON BEHALF OF

Black Males.....	31%	(312)
Black Females.....	27%	(272)
White Females.....	25%	(251)
White Males.....	16%	(160)
Other.....	1%	(10)
	100%	(1005)

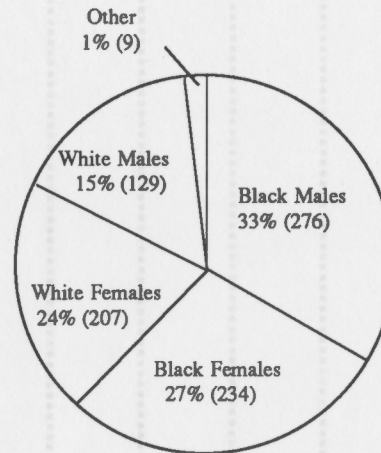
SETTLEMENTS BY RACE AND SEX ON BEHALF OF

Black Females.....	38%	(88)
Black Males.....	24%	(55)
White Females.....	23%	(53)
White Males.....	14%	(32)
Other.....	1%	(3)
	100%	(231)

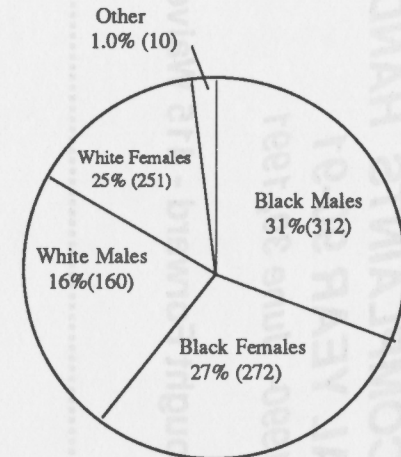
CHART A-1
Comparative Analysis of Cases Disposed of During Fiscal Year
1988-89, 1989-90 and 1990-91 by Race and Sex



1988-89



1989-90



1990-91

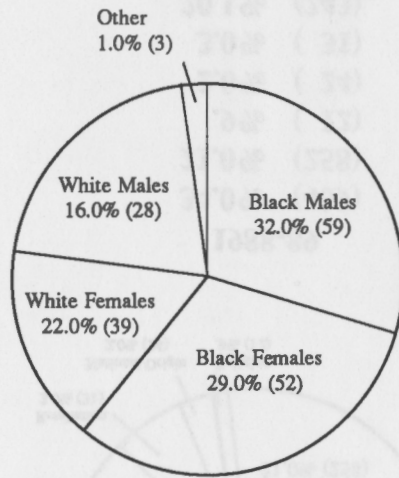
Black Males	32.0% (237)
Black Females	28.0% (208)
White Females	22.0% (163)
White Males	17.0% (126)
Other	1.0% (8)
Totals	100.0% (742)

Black Males	33.0% (276)
Black Females	27.0% (234)
White Females	24.0% (207)
White Males	15.0% (129)
Other	1.0% (9)
Totals	100.0% (855)

Black Males	31.0% (312)
Black Females	27.0% (272)
White Females	25.0% (251)
White Males	16.0% (160)
Other	1.0% (10)
Totals	100% (1005)

CHART A-2

**Comparative Analysis of Cases Settled by Race and Sex During
Fiscal year 1988-89, 1989-90, 1990-91**

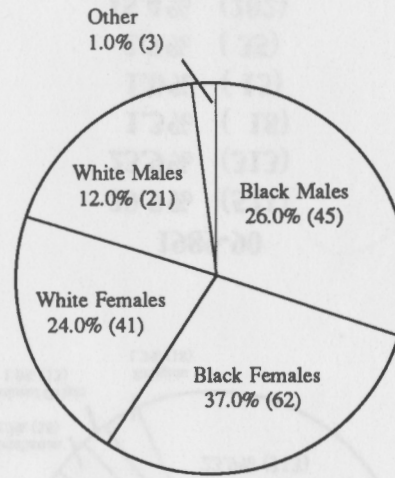


1988 - 89

Black Males	32.0% (59)
Black Females	29.0% (52)
White Females	22.0% (39)
White Males	16.0% (28)
Other	1.0% (3)

TOTALS

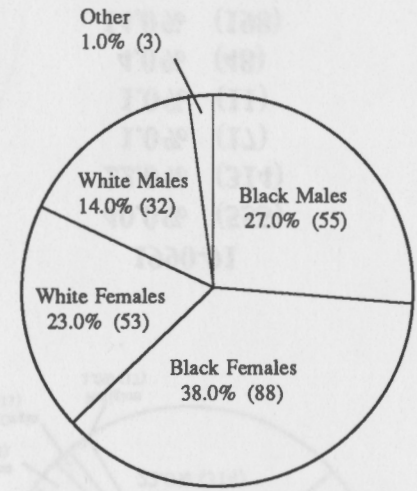
100.0% (181)



1989 - 90

Black Females	37.0% (62)
Black Males	26.0% (45)
White Females	24.0% (41)
White Males	12.0% (21)
Other	1.0% (3)

100.0% (172)

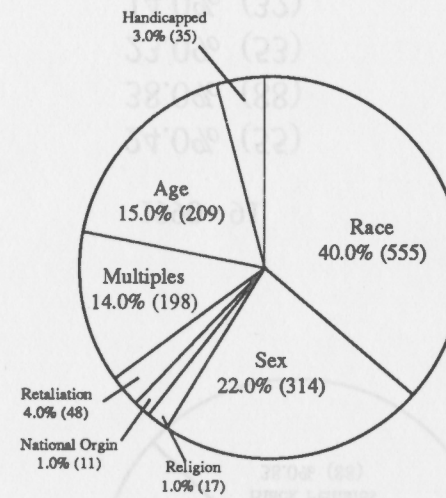
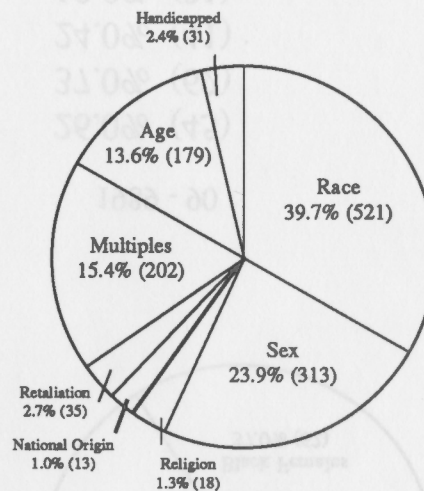
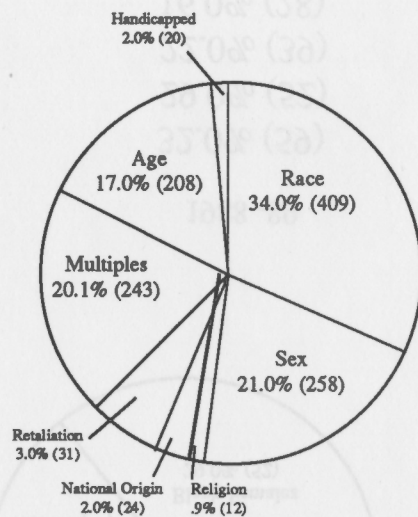


1990 - 91

Black Females	38.0% (88)
Black Males	27.0% (55)
White Females	23.0% (53)
White Males	14.0% (32)
Other	1.0% (3)

100.0% (231)

Chart B
Comparative Analysis of Complaints Received by Basis during
Fiscal Year 1988-89 ,1989-90, and 1990-91

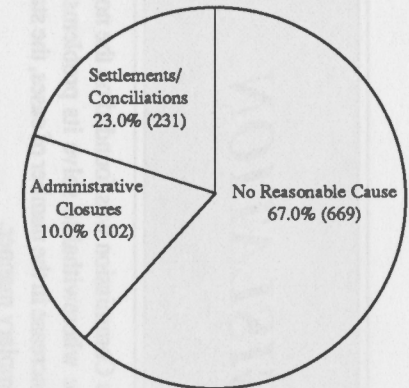
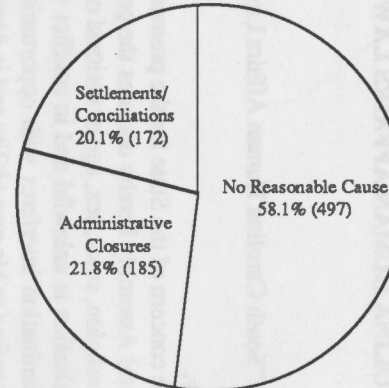
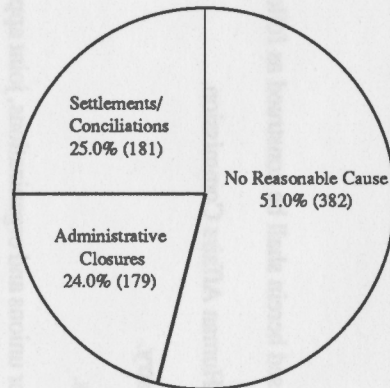


	1988-89
Race	34.0% (409)
Sex	21.0% (258)
Religion	.9% (12)
National Origin	2.0% (24)
Retaliation	3.0% (31)
Multiples	20.1% (243)
Age	17.0% (208)
EPA	0.0% (0)
Handicapped	2.0% (20)
TOTALS	100.0% (1,205)

	1989-90
Race	39.7% (521)
Sex	23.9% (313)
Religion	1.3% (18)
National Origin	1.0% (13)
Retaliation	2.7% (35)
Multiples	15.4% (202)
Age	13.6% (179)
EPA	0.0% (0)
Handicapped	2.4% (31)
TOTALS	100.0% (1,312)

	1990-91
Race	40.0% (555)
Sex	22.0% (314)
Religion	1.0% (17)
National Origin	1.0% (11)
Retaliation	4.0% (48)
Multiples	14.0% (198)
Age	15.0% (209)
EPA	0.0% (0)
Handicapped	3.0% (35)
TOTALS	100.0% (1,387)

CHART C
Comparative Analysis of Final Actions/Determinations
Issued by Compliance Programs During
Fiscal year 1988-89, 1989-90 , and 1990-91



Final Actions by Type:

1988-89

1989-90

1990-91

No Reasonable Cause **51.0% (382)**
 Administrative Closures **24.0% (179)**
 Settlements/Conciliations **25.0% (181)**

No Reasonable Cause **58.1% (497)**
 Administrative Closures **21.8% (186)**
 Settlements/Conciliations **20.1% (172)**

No Reasonable Cause **67.0% (669)**
 Administrative Closures **10.0% (102)**
 Settlements/Conciliations **23.0% (231)**

TOTALS

100.0% (742)

100.0% (855)

100.0% (1,002)*

* A total of 1,005 Final Actions were taken in 1990-91, three (3) cases were unsuccessful Conciliations

LEGISLATION

The South Carolina Human Affairs Commission was founded on the notion that South Carolina has the right, the responsibility and the wherewithal to solve its problems at home. Although the Commission experienced a significant increase in the number of cases, the staff continues to serve the needs of this state in a diligent and exemplary manner.

SOUTH CAROLINA HUMAN AFFAIRS LAW

Section 1-13-10. Short title.

This chapter shall be known as the "South Carolina Human Affairs Law."

Section 1-13-20 Declaration of policy.

This chapter is an expression of the concern of the State for the promotion of harmony and the betterment of human affairs. The General Assembly hereby declares the practice of discrimination against any individual because of race, religion, color, sex, age or national origin is a matter of State concern and declares that such discrimination is unlawful and in conflict with the ideals of South Carolina and the nation, as such discrimination interferes with opportunities of the individual to receive employment and to develop according to his own ability and is degrading to human dignity. The General Assembly further declares that to alleviate such problems a State agency is created which shall seek to eliminate and prevent discrimination because of race, religion, color, sex, age, or national origin as is hereinafter provided.

Section 1-13-30. Definitions.

The following words and phrases used herein shall be construed as follows:

(a) "Commission" means the State Human Affairs Commission.

(b) "National origin" includes ancestry.

(c) "Age" means at least forty years.

(d) "Person" means individuals, labor unions and organizations, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, other legal or commercial entities located in part or in whole in the State or doing business in the State, the State and any of its agencies and departments or local subdivisions of state agencies and departments; and municipalities, counties, special purpose districts, school districts and other local governments.

(e) "Employer" means any person who has fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but such term does not include an Indian tribe or a bona fide private membership club other than a labor organization.

(f) "Employment agency" means any person regularly undertaking to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such a person.

(g) "Labor organization" means any agent of a labor organization, and includes any organization of any kind, any agency, or employee representation committee, group, association, or plan in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours or other terms or conditions of employment, and any conference, general committee, joint or system board, or joint council which is subordinate to a national or international labor organization.

(h) "Employee" means an individual employed by an employer, except that the term "employee" shall not include any person elected to public office in this State, or any person chosen by such officer to be on such officer's personal staff, or an appointee on the policy-making level or an immediate adviser with respect to the exercise of the constitutional or legal powers of the office. The exemption set forth in the preceding sentence shall not include employees subjected to the civil service laws of the State or any of its agencies, departments, local subdivisions, or political subdivisions of the State, local government, or local governmental agencies.

(i) "Complainant" means an individual alleging to have been aggrieved by an employment practice which is unlawful under this chapter.

(j) "Respondent" means a person against whom a charge of violation has been filed.

(k) The term "religion" means all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate to an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

(l) The terms "because of sex" or "on the basis of sex" include, but are not limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions; and women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but are similar in their ability or inability to work, and nothing in item (3) of subsection (h) of Section 1-13-80 shall be interpreted to permit otherwise.

This subsection shall not require an employer to pay for health insurance benefits for abortion, except where the life of the mother would be endangered if the fetus were carried to term, or except where medical complications have arisen from an abortion. Provided, that nothing herein shall preclude an employer from providing abortion benefits or otherwise affect bargaining agreements in regard to abortion. This subsection shall not apply to any fringe benefit fund or insurance program which was in effect on October 31, 1978, until April 30, 1979. Until after October 31, 1979 or, if there was an applicable collective bargaining agreement in effect on October 31, 1978, until the termination of that agreement, no person who, on October 31, 1978, was providing either by direct payment or by making contributions to a fringe benefit fund or insurance program, benefits in violation of the provisions of this chapter relating to sex discrimination in employment shall, in order to come into compliance with such provisions, reduce the benefits or the compensation provided any employee on October 31, 1978, either directly or by failing to provide sufficient contributions to a fringe benefit fund or insurance program: Provided, That where the costs of such benefits on October 31, 1978 are apportioned between employers and employees, the payments of contributions required to comply with the provisions of this chapter relating to sex discrimination in employment may be made by employers and employees in the same proportion: And provided, further, That nothing in this section shall prevent the readjustment of benefits or compensation for reasons unrelated to compliance with the provisions of this chapter relating to sex discrimination in employment.

Section 1-13-40. Creation of South Carolina Human Affairs Commission.

(a) There is hereby created in the executive department the South Carolina Human Affairs Commission, to encourage fair treatment for, and to eliminate and prevent discrimination against, any member of a group protected by this chapter, and to foster mutual understanding and respect among all people in this State.

(b) The Commission shall consist of seventeen members, with two members from each congressional district appointed by the Governor, with the advice and consent of the Senate, three members at large appointed by the Governor, one member from the Senate appointed by the President of the Senate and one member from the House of Representatives appointed by the Speaker. The first appointed members from the first and second congressional districts and one at large member shall serve until June, 1984. The first appointed members from the third and fourth congressional districts and one at large member shall serve until June, 1985. Thereafter all members shall serve for a term of three years with the exception of the two legislative members, who shall be appointed for one year commencing at the beginning of the annual session of the General Assembly and until their successors are appointed and qualify. Vacancies shall be filled in the manner of the original appointment for the unexpired term.

(c) No member of the Commission shall serve more than two consecutive terms. A member having served two consecutive terms shall be eligible for reappointment one year after the expiration of his second term.

(d) The Governor shall appoint one of the at large members to serve as chairman and may appoint any member to serve as vice-chairman, each to serve a term of one year. In the absence of appointment of a vice-chairman, the members may elect one of their number to fill that office. The Commission may elect other officers from among its members as necessary, except that the Commissioner may be elected to serve as secretary.

(e) The Commission shall meet at such times and in such places as it may determine.

(f) A quorum for transacting business shall consist of a majority of the membership as constituted at the time of a meeting.

(g) Each member shall be entitled to one vote on each issue presented, a majority of the votes cast determining the issue. Votes may be cast only in person. Voting may be by secret ballot or by voice vote.

(h) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission.

(i) Members of the Commission shall be entitled to such per diem, mileage and subsistence as is provided by law for boards, committees and commissions.

(j) The Commission shall render each year to the Governor and to the General Assembly a written report of its activities and of its recommendations.

Section 1-13-50. Commissioner and personnel.

(a) The Commission shall recommend to the Governor a person who shall be employed as Commissioner and shall, with the approval of the Governor, employ such person who shall be subject to dismissal by the Commission with the approval of the Governor. The Commissioner shall be the chief administrative officer of the Commission, and shall perform such duties as are incident to such office or are required of him by the Commission.

(b) The Commissioner shall receive such compensation as may be provided by law.

(c) The Commissioner shall recommend to the Commission, and with its approval, employ attorneys, secretaries, clerks, investigators and conciliators for the expeditious discharge of the Commission's duties.

Section 1-13-60. Duties of chairman and vice-chairman.

The chairman shall be the presiding officer at meetings of the Commission and shall promote the orderly transaction of its business. In the chairman's absence, or his inability to act, the vice-chairman or if no vice-chairman has been appointed or elected, a commissioner designated by the chairman shall act in his stead.

Section 1-13-70. Powers of Commission.

The Commission shall have the power:

(a) To establish and maintain its principal office in the city of Columbia and such other offices within the State as it may deem necessary.

(b) To adopt bylaws.

(c) To promulgate, in accordance with the provisions of this chapter, regulations including, but not limited to, regulations requiring the posting of notices prepared or approved by the Commission and the submission of equal employment opportunity plans and reports by any state agency or department or local subdivisions of a state agency or department, according to a format and schedule approved by the Commission.

(d) To formulate policies to effectuate the purposes of this chapter and to make recommendations to appropriate parties in furtherance of such policies.

(e) To obtain and utilize upon request the services of all governmental departments and agencies.

(f) To create or recognize such advisory agencies and conciliation councils, local, regional or statewide, as will aid in effectuating the purposes of this chapter and of Section 3 of Article I of the Constitution of this State. The Commission may empower such agencies and councils to study problems of discrimination in all or specific fields of human affairs or in specific instances of discrimination because of race, religion, color, sex, age or national origin and to foster through community effort, or otherwise, goodwill, cooperation and conciliation among the groups and elements of the population of the State. Such agencies and councils may also make recommendations to the Commission for the development of policies and procedures in general and in specific instances and for programs of formal or informal education which the Commission may in turn recommend to the appropriate State agency. Such advisory agencies and conciliation councils shall, as far as practicable, be composed of representative citizens.

(g) To seek the understanding and cooperation of or to enter into agreement with any existing or later-created councils, agencies, commissions, task forces, institutions or organizations, public or private, which are, in the judgment of the Commission, dedicated to the promotion of human rights and affairs.

(h) To issue publications and results of investigations and research as in its judgment will tend to promote goodwill and the betterment of human affairs.

(i) To require from any state agency or department or local subdivisions of a state agency or department such reports and information at such times as it may deem reasonably necessary to effectuate the purposes of this chapter.

(j) To prepare and distribute copies of this chapter, of any regulations promulgated pursuant to subsection (c) of this section, of policies formulated pursuant to subsection (d) of this section or of any other materials effectuating the purposes of this chapter; to make the chapter available to the public and to require the chapter to be posted in places conspicuous to employees of state agencies or departments or local subdivisions of a state agency or department and to applicants for employment therewith.

Section 1-13-70 (continued)

(k) To cooperate with the United States Equal Employment Opportunity Commission created by the Civil Rights Act of 1964 (78 Stat. 241) in order to achieve the purposes of that act and with other Federal, State and local agencies and departments.

(l) To accept reimbursement pursuant to section 709(b) of the Civil Rights Act of 1964 (78 Stat. 241) for services rendered to the United States Equal Employment Opportunity Commission.

(m) To accept gifts or bequests, grants or other donations, public or private.

(n) To investigate problems in human affairs in the State and in connection therewith, to hold hearings, to request the attendance of persons who shall give testimony, to receive for the record of any such hearing written statements, documents, exhibits and other items pertinent to the subject matter of any such hearing, and following any such investigation or hearing to issue such report and recommendations as in its opinion will assist in effectuating the purposes of this chapter.

(o) To receive and resolve complaints in accordance with the provisions of Section 1-13-90.

(p) Pursuant to subsections (e) and (i), if a person fails to permit access, or otherwise refuses to cooperate, the Commission may request an order of a court of competent jurisdiction requiring access and other related good faith compliance.

(q) To furnish technical assistance requested by persons subject to this chapter to assist them in their compliance with this chapter, the regulations promulgated hereunder, a conciliation agreement or an order issued thereunder.

(r) To petition for an order of a court of competent jurisdiction requiring compliance with an order issued by the Commission pursuant to the procedure set forth in item (16) of subsection (c) of Section 1-13-90; provided, that a complainant, respondent or intervenor aggrieved by an order of the Commission is entitled to judicial review. The procedure for compliance, enforcement or review shall be as set forth in item (19) of subsection (c) of Section 1-13-90.

(s) To institute proceedings in a court of competent jurisdiction, for cause shown, to prevent or restrain any person from violating any provision of this chapter.

(t) To contract with persons and organizations to perform services as it may deem reasonably necessary to effectuate the purposes of this chapter and to accept reimbursement for services rendered pursuant to the contract.

(u) To make contractual agreements, within the scope and authority of this chapter, with any agency of the federal government, which agreements may include provisions under which the Federal Equal Employment Opportunity Commission shall refrain from processing a charge in South Carolina in any class specified in such agreements.

(v) To perform the functions specified in this chapter.

Section 1-13-80. Unlawful employment practices; exceptions.

(a) It shall be an unlawful employment practice for any employer:

(1) To fail or refuse to hire, bar, discharge from employment or otherwise discriminate against any individual with respect to his compensation, terms, conditions or privileges of employment because of such individual's race, religion, color, sex, age or national origin;

(2) To limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities, or other-

wise adversely affect his status as an employee, because of such individual's race, color, religion, sex, age or national origin;

(3) To reduce the wage rate of any employee in order to comply with the provisions of this chapter relating to age.

(b) It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his race, color, religion, sex, age or national origin, or to classify or refer for employment any individual on the basis of his race, color, religion, sex, age or national origin.

(c) It shall be an unlawful employment practice for a labor organization:

(1) To exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his race, color, religion, sex, age or national origin;

(2) To limit, segregate, or classify its membership, or applicants for membership, or to classify or fail or refuse to refer for employment any individual in any way which would deprive or tend to deprive any individual of employment opportunities or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment because of such individual's race, color, religion, sex, age or national origin;

(3) To cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(d) It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual because of his race, color, religion, sex or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.

(e) It shall be an unlawful employment practice for an employer to discriminate against any of his employees or applicants for employment, for an employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership because he has opposed any practice made an unlawful employment practice by this chapter, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this chapter.

(f) It shall be an unlawful employment practice for an employer, labor organization, employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in, or any classification or referral for employment by, such a labor organization, or relating to any classification or referral for employment by such an employment agency, or relating to admission to, or employment in, any program established to provide apprenticeship or other training by such a joint labor-management committee indicating any preference, limitation, specification or discrimination, based on race, color, religion, sex or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification or discrimination based on religion, sex or national origin when religion, sex, or national origin is a bona fide occupational qualification for employment.

(g) It shall be unlawful for an employer, labor organization, or employment agency to print or publish, or cause to be printed or published, any notice or advertisement relating to employment by such an employer or membership in, or any classification or referral for employment by, such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification or discrimination based on age.

Section 1-13-80 (continued)

(h) Notwithstanding any other provision of this chapter:

(1) It is not an unlawful employment practice for an employer to employ employees, for an employment agency to classify or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in any such program on the basis of his religion, sex, or national origin in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

(2) It is not an unlawful employment practice for any party subject to the provisions of this section to compile or assemble such information as may be required pursuant to Section 1-13-70(i) or Federal Equal Employment Opportunity Commission or federal contract compliance requirements, or pursuant to any other law not inconsistent with this chapter.

(3) It is not an unlawful employment practice for an employer to apply different standards of compensation, different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system or a system which measures earnings by quantity or quality of production or to employees who work in different locations so long as such differences are not the result of an intention to discriminate because of race, religion, color, sex, or national origin; nor is it an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test if such test, its administration, or action upon the results is not designed, intended, or used to discriminate because of race, color, religion, sex, or national origin. It is not an unlawful employment practice under this chapter for any employer to differentiate upon the basis of sex in determining the amount of wages or compensation paid or to be paid to employees of such employer if the differentiation is authorized by the provisions of Section 6(d) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206-d).

(4) Nothing contained in this chapter applies to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which a preferential treatment is given to any individual because he is an Indian living on or near a reservation.

(5) This chapter does not apply to a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities. It is not an unlawful employment practice for a school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion if the school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of the school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion.

(6) Nothing contained in this chapter may be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this chapter to grant preferential treatment to any individual or to any group because of race, color, religion, sex, or national origin of the individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any

Section 1-13-80 (continued)

labor organization, or admitted to, or employed in, any apprenticeship or other training program in comparison with the total number or percentage of persons of such race, color, religion, sex, or national origin in any community, state, section, or other area, or in the available work force in any community, state, section, or other area.

(7) It is not unlawful for an employer, employment agency, or labor organization:

(i) to take any action otherwise prohibited under this chapter where age is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business, or where the differentiation is based on reasonable factors other than age;

(ii) to observe the terms of a bona fide seniority system or any bona fide employee benefit plan such as retirement, pension, or insurance plan, which is not a subterfuge to evade the purposes of this chapter except that no such employee benefit plan may excuse the failure to hire any individual.

Notwithstanding the provisions of subitem (ii), no seniority system or employee benefit plan may require or permit the involuntary retirement of any individual covered by the provisions of this chapter relating to age because of the age of the individual; however, in the case of employees covered by a collective bargaining agreement which was in effect on June 30, 1986, and which would otherwise be prohibited by the provisions of this subitem, this subitem takes effect upon the termination of such agreement or on January 1, 1990, whichever occurs first.

(8) Nothing in this chapter may be construed to prohibit compulsory retirement of any employee who has attained sixty-five years of age and who, for the two-year period immediately before retirement, is employed in a bona fide executive or high policy making position, if the employee is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit sharing, savings, or deferred compensation plan, or any combination of such plans, of the employer of the employee, which equals, in aggregate, at least forty-four thousand dollars.

(9) In applying item (8) of this subsection (h) the retirement benefit test, if any such retirement benefit is in a form other than a straight life annuity (with no ancillary benefits), or if employees contribute to any such plan or make rollover contributions, such benefit must be adjusted in accordance with regulations prescribed by the Commissioner so that the benefit is the equivalent of a straight life annuity (with no ancillary benefits) under a plan to which employees do not contribute and under which no rollover contributions are made.

(10) Nothing in this chapter relating to age discrimination in employment may be construed to prohibit compulsory retirement of any employee who has attained 70 years of age and who is serving under a contract of unlimited tenure (or similar arrangement providing for unlimited tenure) at an institution of higher education. The provisions of this item are effective until December 31, 1993.

(11) It is an unlawful employment practice for any person to forcibly resist, prevent, impede, or interfere with the Commission or any of its members or representatives in the lawful performance of duty under this chapter.

(12) It is not unlawful for an employer which is the State, a political subdivision of the State, an agency or instrumentality of the State or of a political subdivision of the State, or an

Section 1-13-80 (continued)

interstate agency to fail or refuse to hire or to discharge any individual because of the individual's age if the action is taken (a) with respect to the employment of an individual as a firefighter or as a law enforcement officer and the individual has attained the age of hiring or retirement in effect under applicable law on March 3, 1983, and (b) pursuant to a bona fide hiring or retirement plan that is not a subterfuge to evade the purposes of this chapter. The provisions of this item are effective until December 31, 1993.

(13) The term "firefighter" means an employee the duties of whose position are primarily to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment, including an employee engaged in this activity who is transferred to a supervisory or administrative position.

(14) The term "law enforcement officer" means the duties of whose position are primarily the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the State, including an employee engaged in this activity who is transferred to a supervisory or administrative position. For the purpose of this item (14), "detention" includes the duties of employees assigned to guard individuals incarcerated in any penal institution.

(15) Nothing contained in items (8), (10), and (12) above may override provisions of Sections 9-1-1530 and 9-1-1537 of the 1976 Code of Laws.

Section 1-13-90. Complaints, investigations, hearings and orders.

(a) Any person shall complain in writing under oath or affirmation to the Commission within one hundred eighty days after the alleged discriminatory practice occurred. The Commissioner, his employees or agents, shall assist complainants in reducing verbal complaints to writing and shall assist in setting forth such information as may be required by the Commission. The Commission shall serve a copy of the complaint upon the respondent within ten days after the complaint is received by the Commission, except that if the Commission determines for good cause that such service will impede its investigation of the complaint, it shall serve notice of the complaint, including the date, place, and circumstances of the alleged unlawful employment practice upon the respondent within ten days after the complaint is received by the Commission.

(b) Any complainant who is a member of the Commission shall be disqualified from participation except as the complainant in the processing and resolution of the complaint.

(c) For complaints asserting expressly or in substance a violation by a state agency or department or local subdivisions of a state agency or department of Section 1-13-80 the procedure shall be as follows:

(1) The Commissioner shall assign one or more of his employees or agents to investigate the complaint, in which case one shall be designated the investigator in charge of the complaint. Information gathered during an investigation under this subsection shall not be made public by the Commission, its officers or employees, except for information made public as a result of being offered or received into evidence in an action brought under this subsection.

(2) The Chairman of the Commission or, upon the request of the Chairman, the Commissioner shall designate a member of the Commission to supervise the processing of the complaint.

(3) The complaint may be resolved at any time before a hearing by conference, conciliation and persuasion with the complainant and the respondent, such resolution to be embodied in

Section 1-13-90 (continued)

a conciliation agreement, which shall include an agreement by the respondent to refrain from committing unlawful discriminatory practices in the future, and which may contain such further provisions as are agreed upon by the complainant and the respondent. No conciliation agreement shall be deemed an effective resolution by the Commission unless the supervisory commission member shall have reviewed and approved the terms thereof. Positions taken by a witness in connection with such efforts toward conciliation shall not be made public or used against the interest of the witness in a subsequent proceeding.

(4) In undertaking its investigation of a complaint the Commission shall have the authority:

(i) To issue a subpoena or subpoena duces tecum and thereby compel attendance of witnesses or production for examination of books, papers, and records, whenever it is deemed necessary to compel the attendance of witnesses, or the production for examination of any books, payrolls, personnel records, correspondence, documents, papers or any other evidence relating to any matter under investigation or in question before the Commission. The power may be exercised only by the joint action by the Chairman of the Commission and the Commissioner.

(ii) To require any party or witness to answer interrogatories at any time after the complaint is filed.

(iii) To take depositions of witnesses including any party pursuant to a complaint or investigation made by the Commission.

(iv) Pursuant to subitems (a), (b), (c), above, if a person fails to permit access, fails to comply with a subpoena, refuses to have his or her deposition taken, refuses to answer interrogatories, or otherwise refuses to allow discovery, the Commission may request an order of a court of competent jurisdiction requiring discovery and other related good faith compliance.

(5) If not sooner resolved, the investigator shall upon completion of his investigation submit to the supervisory commission member a statement of the facts disclosed by his investigation and recommend either that the complaint be dismissed or that a panel of commission members be designated to hear the complaint. The supervisory commission member, after review of the case file and the statement and recommendation of the investigator shall issue an order either of dismissal or for a hearing, which order shall not be subject to judicial or other further review.

(6) If the order be of dismissal, the supervisory commission member shall mail a copy of the order to the complainant and the respondent at their last known addresses.

(7) If the order be for a hearing, the supervisory commission member shall annex thereto a notice and a copy of the complaint and require the respondent to answer the complaint at a hearing at a time and place specified in the notice and shall serve upon the respondent a copy of the order, the complaint, and the notice.

(8) At any time before a hearing a complaint may be amended by the supervisory commission member upon the request of the investigator or of the complainant or of the respondent. Complaints may be amended during a hearing only upon a majority vote of the panel of commission members for such hearing.

(9) Upon request by any party, the Commissioner shall issue appropriate subpoenas or subpoenas duces tecum to any witnesses or other custodians of documents desired to be

Section 1-13-90 (continued)

present at the hearing, or at prehearing depositions, unless the Commissioner determines that issuance of the subpoenas or subpoenas duces tecum would be unreasonable or unduly burdensome.

(10) Upon notification by any party that any party or witness has failed to permit access, failed to comply with a subpoena or subpoena duces tecum, refused to have his or her deposition taken, refused to answer interrogatories, or otherwise refused to allow discovery, the Commission, shall, upon notice to the party or witness, apply to a court of competent jurisdiction for an order requiring discovery and other good faith compliance unless the Commission determines that the discovery would be unreasonably or unduly burdensome.

(11) Upon request by the supervisory commission member, the Chairman of the Commission shall designate a panel of three members of the Commission to sit as the Commission to hear the complaint; provided, that no member of the Commission shall be a member of a panel to hear a complaint for which he has been a supervisory commission member.

(12) At any hearing held pursuant to this subsection, the case in support of the complaint shall be presented before the panel by one or more of the Commission's employees or agents, and, with consent of the panel, by legal representatives of the complaining party; provided, that endeavors at conciliation by the investigator shall not be received into evidence nor otherwise made known to the members of the panel.

(13) The respondent shall submit a written answer to the complaint and appear at such hearing in person or by counsel and may submit evidence. The respondent shall have the power reasonably and fairly to amend his answer.

(14) The complainant shall be permitted to be present and submit evidence.

(15) Proceedings under this section shall be subject to the Administrative Procedures Act, Section 1-23-310 through 1-23-400 of the Code of Laws of South Carolina, 1976, as amended, and in case of conflict between the provisions of this chapter and the Administrative Procedures Act, the Administrative Procedures Act shall govern. A recording of the proceedings shall be made, which may be subsequently transcribed upon request and payment of a reasonable fee by the complainant or the respondent. The fee shall be set by the Commission or upon motion of the panel, in which case copies of such transcription shall be made available to the complainant or the respondent upon request and payment of a reasonable fee to be set by the Commission.

(16) If upon all the evidence at the hearing the panel shall find that the respondent has engaged in any unlawful discriminatory practice, it shall state its findings of fact and serve upon the respondent in the name of the Commission an opinion and order requiring that such unlawful discriminatory practice be discontinued and requiring such other action including, but not limited to, hiring, reinstatement or upgrading of employees, with or without back pay to the persons aggrieved by such practice as, in the judgment of the panel, will effectuate the purposes of this chapter. Back pay liability shall not accrue from a date more than two years prior to the filing of a charge with the Commission. The Commission may retain jurisdiction of any such case until it is satisfied of compliance by the respondent with its order.

(17) If upon all the evidence at the hearing the panel shall find that the respondent has not engaged in any such unlawful discriminatory practice, the panel shall state its findings of fact and serve upon the complainant and the respondent an opinion and order dismissing the complaint as to the respondent.

Section 1-13-90 (continued)

(18) A copy of the opinion and order of the Commission shall be delivered in all cases to the Attorney General and to such other public officers as the Commission deems proper. Copies of the opinion and order shall be available to the public for inspection upon request, and copies shall be made available to any person upon payment of a reasonable fee set by the Commission.

(19) (i) If an application for review is made to the Commission within fourteen days from the date when the order of the Commission shall have been given, the Commission shall, for good cause shown, review the order and evidence, receive further evidence, rehear the parties or their representatives and, if proper, amend the order.

(ii) The order of the Commission, as provided in item (16) of subsection (c) of this section, if not reviewed in due time, or an order of the Commission upon such review, as provided for in subitem (i) of item (19) of this subsection, shall be conclusive and binding as to all questions of fact unless clearly erroneous in view of the reliable, probative and substantive evidence in the whole record. Either party to the dispute may, within thirty days after receipt of notice to be sent by registered mail of such order, but not thereafter, appeal from the decision of the Commission to the court of common pleas of the county in which the hearing occurred, or in which the respondent resides or has his principal office. In case of an appeal from the decision of the Commission, such appeal shall operate as a supersedeas for thirty days only, unless otherwise ordered by the court, and thereafter the respondent shall be required to comply with the order involved in the appeal or certification until the questions at issue therein shall have been fully determined in accordance with the provisions of this chapter.

(iii) The Commission may institute a proceeding for enforcement of its order of item (16) of subsection (c) of this section, or its amended order of subitem (i) of item (19) of this subsection after thirty days from the day of such order, by filing a petition in the court of common pleas of the county in which the hearing occurred, or wherein any person required in the order to cease and desist from a practice which is the subject of the Commission's order, or to take other affirmative action, resides or transacts business.

If no appeal under subitem (ii) of item (19) of this subsection is initiated, the Commission may obtain a decree of the court for enforcement of its order upon a showing that a copy of the petition for enforcement was served upon the party subject to the dictates of the Commission's order.

(d) For complaints asserting expressly or in substance a violation of Section 1-13-80 by employers, employment agencies or labor organizations, including municipalities, counties, special purpose districts, school districts, and local governments, but not including employers, employment agencies or labor organizations covered by Section 1-13-90(c), the procedure shall be as follows:

(1) The Commissioner shall assign one or more of his employees or agents to investigate the complaint, in which case one shall be designated the investigator in charge of the complaint.

(2) The Commission shall institute an investigation by its employees to ascertain the facts relating to such alleged unlawful employment practice. In its investigation of a charge filed under this chapter, the Commission or its designated employees shall at all reasonable times have access to, for the purposes of examination, and the right to copy any evidence of any

Section 1-13-90 (continued)

person being investigated that relates to unlawful employment practices covered by this chapter and is relevant to the charge under investigation. If any persons fail to permit access to such evidence, the Commission may issue a subpoena duces tecum and thereby compel the production for examination and copying of such evidence. If any person fails to comply with a subpoena issued under this chapter, the Commission may request an order of a court of competent jurisdiction requiring compliance with the subpoena. The person against whom an order of court is sought shall be given at least four days' notice of the time and place of the court hearing and may appear and oppose the granting of any order. Any person may, after giving the Commission at least four days' notice, move before a court of competent jurisdiction for an order quashing any subpoena issued under this subsection. Information gathered during an investigation under this subsection shall not be made public by the Commission, its officers or employees, except for information made public as a result of being offered or received into evidence in an action brought under this subsection.

(3) The complaint may be resolved at any time by conference, conciliation and persuasion with the complainant and the party complained of, such resolution to be embodied in a conciliation agreement, which may include an agreement by the respondent to refrain from committing unlawful discriminatory practices in the future, and which may contain such further provisions as are agreed upon by the complainant and the party complained of. Nothing said or done during and as part of such informal endeavors may be made public by the Commission or used as evidence in a subsequent proceeding.

(4) If not sooner resolved, the investigator shall upon completion of his investigations submit to the Commissioner a statement of the facts disclosed by his investigation and recommend either that the complaint be dismissed or that the Commission bring an action in equity in circuit court against the respondent. The Commissioner, after a review of the case file and the statement and recommendation of the investigator, may issue an order either to dismiss the charge or to bring an action in equity in circuit court against the respondent, which order shall not be subject to judicial or other further review.

(5) If the order be of dismissal, the Commissioner shall mail a copy of the order to the complainant and to the respondent at their last known addresses.

(6) If a charge filed with the Commission by a complainant pursuant to this chapter is dismissed by the Commission, or if within one hundred eighty (180) days from the filing of the charge the Commission has not filed an action under this chapter or entered into a conciliation agreement to which the complainant is a party, the complainant may bring an action in equity against the respondent in circuit court. The action must be brought within one year from the date of the violation alleged, or within one hundred twenty days from the date the complainant's charge is dismissed, whichever occurs earlier, except that this period may be extended by written consent of the respondent.

(7) If within thirty days after issuance of its determination the Commission is unable to secure from the respondent a conciliation agreement acceptable to the Commission, or if the Commission determines after investigation that the respondent has violated the terms of a conciliation agreement, the Commission may bring an action in equity against the respondent in circuit court. Such action shall be brought within one year from the date of the violation alleged, except that this period may be extended by written consent of the respondent.

(8) No action may be brought under this chapter by a complainant if an action based on the same charge has been brought by the Commission, and no action may be brought under this chapter by the Commission if an action based on the same charge has been brought by the complainant. No action may be brought under this chapter if an action alleging essentially the same facts and seeking relief for the same complainant has been brought in any federal court.

Section 1-13-90 (continued)

Any action brought under this chapter shall be promptly dismissed if an action alleging essentially the same facts and seeking relief for the same complainant is brought in any federal court.

(9) If the court finds that the respondent has intentionally engaged in or is intentionally engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in such unlawful employment practice, and order such affirmative action as may be appropriate, which may include, but is not limited to, reinstatement of hiring of employees, with or without back pay payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice or any other equitable relief as the court deems appropriate. Back pay liability shall not accrue from a date more than two years prior to the filing of a charge with the Commission. Unemployment compensation, interim earnings, or amount earnable with reasonable diligence, by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable. No order of the court shall require the admission or reinstatement of an individual as a member of a union, of the hiring, reinstatement or promotion of an individual as an employee, or the payment to him of any back pay if such individual was refused admission, suspended or expelled, or was refused employment or advancement or was suspended or discharged for any reason other than discrimination on account of race, color, religion, sex, age or national origin in violation of this chapter, or discrimination in violation of subsection (e) of Section 1-13-80.

(e) For complaints of the existence or occurrence of any practice asserted to be discriminatory on the basis of race, religion, color, age, sex or national origin, other than those discriminatory practices declared unlawful by Section 1-13-80, or of any other dispute regarding human affairs, the procedure of the Commission shall be as follows: The Commissioner shall assign one or more of the Commission's employees or agents who may resolve the complaint by conference, conciliation and persuasion with the complainant and the respondent, such resolution to be embodied in a conciliation agreement, which shall include such provisions as are agreed upon by the complainant and the respondent. In the event the employee or agent so assigned is unable after reasonable efforts to resolve the complaint, he shall withdraw from the matter and not participate further therein and the Commission file of the complaint shall be closed. If the complainant and the respondent thereafter resolve the complaint and submit a record of such resolution to the Commission, such record shall be entered into the commission file of the complaint.

(f) If in the course of processing any complaint under the procedure set forth in (e) above sufficient facts shall appear warranting the processing of the complaint under the procedure provided by subsection (c) or (d) of this section upon notice to the complainant and to the respondent, such other procedure shall thereafter be followed for the processing of the complaint.

(g) The Commission shall establish such rules as may be necessary to govern, expedite and effectuate the procedures prescribed in this section.

Section 1-13-100. Construction and application of chapter.

Nothing in this chapter shall be construed to create any cause of action other than those specifically described in Section 1-13-90 of this chapter. Nothing in this chapter shall be construed to create any cause of action against a person not covered by Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e et seq., if the cause of action arises from discrimination on the basis of race, color, religion, sex, or national origin. Nothing in this chapter shall be construed to create any cause of action against a person not covered by the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. Section 621 et seq., if the cause of action arises from discrimination on the basis of age.

Section 1-13-110. Affirmative action plans by State agencies; approval by Commission; action by General Assembly.

Each State agency shall develop an Affirmative Action Plan to assure equitable employment for members of minorities (race and sex) and shall present such Plans to the Human Affairs Commission. On or before February 1 of each year, the Human Affairs Commission shall submit a report to the General Assembly concerning the status of the Affirmative Action Plans of all State agencies. If any Affirmative Action Plans have been disapproved, the report shall contain the reasons for such disapproval. If the General Assembly takes no action within sixty (60) days on those Plans which have been disapproved, the action of the Human Affairs Commission shall be final.

Summary of The South Carolina Human Affairs Law

Section 1-13-10

Names the law "The South Carolina Human Affairs Law."

Section 1-13-20

Declares discrimination on the basis of race, religion, color, sex, age, and national origin unlawful. Creates the State Human Affairs Commission to eliminate and prevent discrimination.

Section 1-13-30

Defines words and phrases used throughout the Act. For example, "age" is defined as, "at least 40 years." The phrase "because of sex" includes rules about pregnancy, childbirth and related medical conditions.

Section 1-13-40

Sets the number of Commission members at 17. The Commission members are appointed by the Governor, with the advice and consent of the Senate. They generally serve for three years and are eligible to serve two consecutive terms. A year after a Commission member is off the board, he or she is eligible to be re-appointed. Also, there are two ex-officio board members, one each from the South Carolina House and Senate. The Governor appoints the Chairman of the Commission. This section sets up the framework for the Commission to meet and transact business.

Section 1-13-50

Allows the Commission to employ a Commissioner, with the Governor's approval. The Commissioner is given the authority to hire a staff.

Section 1-13-60

Explains some of the duties of the Chairman and Vice-chairman of the Commission.

Section 1-13-70

Allows the Commission to:

1. Establish offices in South Carolina;
2. Adopt bylaws;
3. Establish rules and regulations;
4. Make policies;
5. Cooperate and contract with federal agencies;
6. Recognize certain local groups that can help promote and enhance the Human Affairs Law and its purpose;
7. Require specific reports from state agencies and/or departments;
8. Require employers to make employees and people applying for jobs aware of the Human Affairs Law;

9. Deal with problems in human affairs above and beyond problems of employment discrimination;
10. Go to court to compel employers to cooperate with the Commission;
11. Furnish technical assistance.

Section 1-13-80

Defines unlawful employment practices (with limited exceptions), making the Human Affairs Law apply to all aspects of employment, including hiring, promotion, pay and firing.

Section 1-13-90

Gives the Commission certain powers concerning complaints, investigations, hearings and orders. Specifically, the law gives the Commission the power to informally investigate complaints on the basis of race, religion, color, sex, age and national origin, other than employment discrimination.

Complaints:

1. Must be in writing;
2. Must be filed within 180 days;
3. Must be filed at the Commission office, in person or by mail;
4. Must be forwarded to the employer by the Commission.

A complaint against a state agency:

1. Will be investigated by the Commission, under the supervision of one Commission member. The Commission has the power to require the cooperation of the "state agency" employer.
2. May be settled or withdrawn at any time.
3. If not settled, may go to a public hearing before a panel of three Commission members. During or before the hearing, the Commission may issue a subpoena, requiring a witness to appear, or requiring an employer to provide records. At the hearing, both sides can present witnesses and testimony. The Commission, after hearing the testimony, can issue an order either dismissing the complaint or ruling in favor of the person who filed the complaint. A Commission order can be appealed before the Court of Common Pleas. The Commission can go to court to get its order enforced.

A complaint against a non-state employer:

1. Will be investigated by the Commission. The Commission has the power to require the cooperation of the employer.
2. May be settled or withdrawn at any time.
3. If not settled before the investigation ends, will be acted on by the Commissioner.
4. May be taken to court if either party disagrees with the Commissioner's determination. Also, the Commission may follow through on the complaint in court.

Section 1-13-100

Makes it clear that the sections of the law dealing with non-state employers are intended to parallel Title VII of the Civil Rights Act.

Section 1-13-110

Requires State agencies to develop Affirmative Action Plans. Requires the Commission to submit a report to the General Assembly on the status of Affirmative Action Plan of all State agencies.

South Carolina Bill of Rights for Handicapped Persons

Section 43-33-510. Short title.

This article may be cited as the South Carolina Bill of Rights for Handicapped Persons.

Section 43-33-520. Guaranteed opportunities.

The opportunity to obtain employment, housing, full and equal use of public accommodations, public services, and to make use of educational facilities without discrimination because of a handicap is guaranteed by this article and is a civil right.

Section 43-33-530. Discrimination prohibited without reasonable justification.

No person may discriminate against a handicapped person with respect to employment, public accommodations, public services, or housing without reasonable justification. No protections or right of access provided by law for handicapped persons are reduced or eliminated by the provisions of this section.

Section 43-33-540. Injunctive relief or civil damages for persons discriminated against.

A handicapped person aggrieved by the discrimination prohibited by this article has the right to seek injunctive relief or civil damages, not to exceed five thousand dollars actual damages, plus his attorney's fee and costs, in the court of common pleas.

Section 43-33-550. Jurisdiction over complaints of employment discrimination vested in State Human Affairs Commission.

Jurisdiction over complaints of employment discrimination in violation of this article is vested with the State Human Affairs Commission, and complaints brought hereunder shall be processed and investigated in accordance with Chapter 13 of the Title 1 of the 1976 Code. Employment discrimination shall be an unlawful employment practice as prescribed therein and the provisions, procedures, and remedies of Chapter 13 of Title 1 shall apply to such unlawful employment practice.

Section 43-33-560. Handicap, handicapped, and mental impairment defined.

Notwithstanding the provisions of Section 2-7-35 of the 1976 Code, the terms "handicap" and "handicapped" as used in this article mean a substantial physical or mental impairment, whether congenital or acquired by accident, injury, or disease, where the impairment is verified by medical findings and appears reasonably certain to continue throughout the lifetime of the individual without substantial improvement, but, with respect to employment, which is unrelated to the individual's ability to engage in a particular job or occupation. This does not include any individual who is an alcohol, drug, narcotic, or other substance abuser, or who is only regarded as being handicapped. The term "mental impairment" shall not include mental illness.

Section 43-33-570 . Reasonable justification defined.

For purposes of this article, "reasonable justification" means, in the context of employment, that the handicapped person's mental and physical limitation interferes with the performance of the work involved. Reasonable justification in the context of employment, housing, and public services shall be determined in light of the following factors, among others: (1) safety; (2) efficiency; and (3) cost. An employer's determination that reasonable justification exists will be given substantial deference unless the determination is made to circumvent the purpose of this article.

Section 43-33-580. Exemption of contractors or subcontractors who are subject to federal law.

Employers who are contractors or subcontractors and subject thereby to federal law governing discrimination in employment are exempt from the provisions of this article.

South Carolina Fair Housing Law

Section 31-21-10. This chapter is known and may be cited as the South Carolina Fair Housing Law.

Section 31-21-20. It is the policy of this State to provide, within constitutional limitations, for fair housing throughout the State.

Section 31-21-30. For purposes of this chapter:

- (1) 'Commission' means the South Carolina Human Affairs Commission.
- (2) 'Commissioner' means the Commissioner of the South Carolina Human Affairs Commission.
- (3) 'Covered multi-family dwellings' means:
 - (a) buildings consisting of four or more units if the buildings have one or more elevators; and
 - (b) ground floor units in other buildings consisting of four or more units.
- (4) 'Discriminatory housing practice' means an act that is unlawful under this chapter.
- (5) 'Dwelling' means any building or structure, or portion of any building or structure, which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location on it of any such building or structure, or portion of it.
- (6) (a) 'Familial status' means one or more individuals who have not attained the age of eighteen years and are domiciled with:
 - (i) a parent or another person having legal custody of the individual; or
 - (ii) the designee of the parent or other person having the custody, with the written permission of the parent or other person.

(b) The protections afforded against discrimination on the basis of familial status apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years.
- (7) 'Handicap' means, with respect to a person:
 - (a) a physical or mental impairment which substantially limits one or more of the person's major life activities;
 - (b) a record of having such an impairment; or
 - (c) being regarded as having an impairment. The term 'handicap' excludes current, illegal use of or addiction to a controlled substance as defined by law.
- (8) 'Housing for older persons' means housing:
 - (a) provided under any state or federal program that the Commissioner determines is designed specifically and operated to assist elderly persons, as defined in the state or federal program; or
 - (b) intended for, and solely occupied by persons sixty-two years of age or older; or
 - (c) intended and operated for occupancy by at least one person fifty-five years of age or older for each unit. In determining whether housing qualifies as housing intended and operated for occupancy by at least one person fifty-five years of age or older, the Commissioner shall develop regulations which require at least the following factors:
 - (i) the existence of significant facilities and services specifically designed to meet the physical or social needs of older persons or, if the provision of the facilities and services is not practicable, that the housing is necessary to provide important housing opportunities for older persons; and
 - (ii) that at least eighty percent of the dwellings are occupied by at least one person fifty-five years of age or older for each unit; and
 - (iii) the publication of and adherence to policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five years of age or older.

(d) housing does not fail to meet the requirements for housing for older persons by reason of:

- (i) persons residing in this housing as of the date of enactment of this chapter who do not meet the requirements of subitem (b) or (c); or
- (ii) unoccupied units, provided that these units are reserved for occupancy by persons who meet the new requirements of subitem (b) or (c).

(9) 'Person' includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

(10) 'To rent' includes to lease, to sublease, to let, and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

Section 31-21-40. It is unlawful:

- (1) to refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, or otherwise to make unavailable or deny a dwelling to any person because of race, color, religion, sex, familial status, or national origin;
- (2) to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with it, because of race, color, religion, sex, familial status, or national origin;
- (3) to make, print or publish, or cause to be made, printed, or published, any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin or an intention to make the preference, limitation, or discrimination;
- (4) to represent to any person because of race, color, religion, sex, handicap, familial status, or national origin that any dwelling is not available for inspection, sale or rental when the dwelling is available;
- (5) for profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status, or national origin;
- (6) to discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:
 - (a) that buyer or renter;
 - (b) a person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or
 - (c) any person associated with that buyer or renter;
- (7) to discriminate against a person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with the dwelling, because of a handicap of:
 - (a) that person;
 - (b) a person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or
 - (c) any person associated with that person.

Section 31-21-50. It is unlawful to deny any person access to, or membership or participation in, any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings or to discriminate against him in the terms or conditions of the access, membership, or participation on account of race, color, religion, sex, handicap, familial status, or national origin.

Section 31-21-60. (A) It is unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of the transaction, because of race, color, religion, sex, handicap, familial status, or national origin.

(B) As used in this section, 'residential real estate-related transaction' means any of the following:

- (1) the making or purchasing of loans or providing other financial assistance:
 - (a) for purchasing, constructing, improving, repairing, or maintaining a dwelling; or
 - (b) secured by residential real estate;
- (2) the selling, brokering or appraising of residential real property.

(C) Nothing in this chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap or familial status.

Section 31-21-70. (A) Nothing in Section 31-21-40 or 31-21-60 applies to rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of the living quarters as his residence.

(B) Nothing in Section 31-21-40 or 31-21-60 applies to any single family house sold or rented by an owner when:

- (1) the private individual owner does not own more than three single family houses at any one time; and
- (2) in the sale of any single-family house by a private individual owner not residing in the house at the time of the sale or who was not the most recent resident of the house before the sale, the exemption granted by this subsection applies only with respect to one sale within a twenty-four month period; and
- (3) a bona fide private individual owner does not own an interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or a right to all or a portion of the proceeds from the sale or rental of more than three single-family houses at any one time.

After the effective date of this chapter, the sale or rental of a single-family house is excepted from the application of this subsection only if the house is sold or rented:

- (a) without the use in any manner of the sales or rental facilities or the sales or rental services of a real estate broker, agent, or salesman, or of the facilities or services of a person in the business of selling or renting dwellings, or of an employee or agent of a broker, agent, salesman, or person; and
- (b) without publication posting or mailing, after notice, of an advertisement or written notice in violation of this chapter. Nothing in this subsection prohibits the use of attorneys, escrow agents, abstractors, title companies, and other professional assistance as necessary to perfect or transfer this title.

(C) For the purposes of this section a person is considered to be in the business of selling or renting dwellings if he:

- (1) has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest in it;
- (2) has, within the preceding twelve months, participated as agent, other than in the sale of his personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest in it; or

(3) is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

(D) Nothing in this chapter prohibits a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of any dwelling which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to those persons, unless membership in the religion is restricted because of race, color, or national origin. Nothing in this chapter prohibits a private club not in fact open to the public, which as an incident to its primary purpose provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of the lodgings to its members or from giving preference to its members.

(E) It is not unlawful under Section 31-21-40(1) or (2) for any person to deny or limit the rental of housing to persons who pose a real and present threat of substantial harm to themselves, to others, or to the housing itself.

(F) Nothing in this chapter prohibits conduct against a person because the person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined by law.

(G) For purposes of Section 31-21-40(6), discrimination includes:

(1) a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications are necessary to afford that person full enjoyment of the premises, except that in the case of a rental, the landlord, where it is reasonable to do so, may condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

(2) a refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling; or

(3) in connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is thirty months after the date of enactment of the Fair Housing Amendments Act of 1988, a failure to design and construct those dwellings in such a manner that:

(a) the public use and common use portions of such dwelling are readily accessible to and usable by handicapped persons;

(b) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

(c) all premises within these dwellings contain the following features of adaptive design:

(i) an accessible route into and through the dwelling;

(ii) light switches, electrical outlets, thermostats and other environmental controls in accessible locations;

(iii) reinforcements in the bathroom walls to allow later installation of grab bars; and

(iv) usable kitchens and bathrooms that an individual in a wheelchair can maneuver about the space.

(H) Compliance with the appropriate requirements of the American National Standard for Buildings and Facilities Providing Accessibility and Usability for Physically Handicapped People (commonly cited as 'ANSI A117.1') suffices to satisfy the requirements of Section 31-21-70(G)(3)(c).

(1)(a) If a unit of local government has incorporated into its laws the requirements in (G)(3) of this section, compliance with these laws is considered to satisfy the requirements of that section.

(b) A unit of local government may review and approve newly constructed covered multi-family dwellings for the purpose of making determinations as to whether the design and construction requirements of (G)(3) of this section are met.

Section 31-20-70 (continued)

(c) The commission shall encourage, but may not require, units of local government to include in their existing procedures for the review and approval of newly constructed covered multi-family dwellings, determinations as to whether the design and construction of these dwellings are consistent with (G)(3) of this section, and shall provide technical assistance to units of local government and other persons to implement the requirements of (G)(3) of this section.

(d) Nothing in this chapter may be construed to require the commission to review or approve the plans, designs, or construction of all covered multi-family dwellings, to determine whether the design and construction of these dwellings are consistent with the requirements of (G)(3) of this section.

(I) Nothing in subsection (H) may be construed to affect the authority and responsibility of the commissioner to receive and process complaints or otherwise engage in enforcement activities under this chapter.

(2) Determinations by the unit of local government under subsection (H)(I)(a) or (b) are not conclusive in enforcement proceedings under this chapter.

(J) Nothing in this chapter may be construed to invalidate or limit any law of a political subdivision of the State that requires dwellings to be designed and constructed in a manner that affords handicapped persons greater access than is required by this chapter.

(K) Nothing in this chapter requires that a dwelling be made available to an individual whose occupancy would constitute a direct threat to the health or safety of other individuals or whose occupancy would result in substantial physical damage to the property of others.

(L) Nothing in this chapter limits the applicability of any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling. Owners and managers of dwellings may develop and implement reasonable occupancy and safety standards based on factors such as the number and size of sleeping areas or bedrooms and the overall size of a dwelling unit so long as the standards do not violate local, state, or federal restrictions; no provision in this chapter regarding familial status applies to housing for older persons. Nothing in this chapter prohibits the lease application or similar document from requiring information concerning the number, ages, sex, and familial relationship of the applicants and the dwellings' intended occupants. The owner or manager may consider these factors in determining payment of utilities. The application also may require disclosure by the applicant of the conviction of any intended occupant for violating any laws pertaining to the illegal manufacture or distribution of a controlled substance as defined by law.

(M) The provisions of Section 31-21-40 with respect to discrimination based on sex do not apply to the rental or leasing of dwellings in a single-sex dormitory property.

Section 31-21-80. It is unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise of, or on account of his having aided or encouraged any other person in the exercise of any right granted under this chapter.

Section 31-21-90.

(A) The commission shall administer the provisions of this chapter.

(B) The commission may delegate any of its functions, duties, and powers to its employees including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business, or matter under this chapter.

Section 31-21-100. The commission has the power to:

- (1) promulgate regulations necessary for the enforcement of this chapter which may not exceed the requirements of the 1988 Fair Housing Amendments Act (PL100-430) and any subsequent amendments to it;
- (2) make studies with respect to the nature and extent of discriminatory housing practices in representative urban, suburban, and rural communities throughout the State;
- (3) publish and disseminate reports, recommendations, and information derived from the studies;
- (4) cooperate with and render technical assistance to public or private agencies, organizations, and institutions within the State which are formulating or carrying on programs to prevent or eliminate discriminatory housing practices;
- (5) cooperate with the United States Department of Housing and Urban Development to achieve the purposes of that department and with other federal, state, and local agencies and departments;
- (6) accept reimbursement pursuant to Title 28, United States Code, Section 817 for services rendered to the United States Department of Housing and Urban Development;
- (7) accept gifts or bequests, grants, or other donations, public or private;
- (8) institute proceedings in a court of competent jurisdiction, for cause shown, to seek appropriate temporary or preliminary injunctive relief pending final administrative disposition of a complaint;
- (9) contract with persons and organizations to perform services as it may consider reasonably necessary to effectuate the purposes of this chapter and to accept reimbursement for services rendered pursuant to the contract. However, the commission may not delegate its decision-making authority to a non-governmental agency. This decision-making authority includes acceptance of complaints, approval of conciliation agreements, dismissal of complaints, or other enforcement powers granted by this chapter;
- (10) make contractual agreements within the scope and authority of this chapter with any agency of the federal government. An agreement with the Department of Housing and Urban Development may include provisions under which the department shall refrain from processing a charge in this State in any class specified in the agreement;
- (11) administer the programs and activities relating in a manner affirmatively to further the policies of this chapter.

Section 31-21-110. (A) In conducting an investigation, the commission shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy the materials and take and record the testimony or statements of persons as are reasonably necessary for the furtherance of the investigation, provided the commission first complies with the provisions of the State Constitution relating to unreasonable searches and seizures. The Commission may issue subpoenas to compel its access to or the production of the materials or the appearance of the persons and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in court. The commission may administer oaths. Any examination, recording, copying of materials, and the taking and recording of testimony or statements of persons as reasonably are necessary for the furtherance of the investigation must be solely related to the complaint for which the subpoena was issued.

(B) Upon written application to the commission, a respondent is entitled to the issuance of a reasonable number of subpoenas by and in the name of the commission to the same extent and subject to the same limitations as subpoenas issued by the commission itself. A subpoena issued at the request of a respondent shall show on its face the name and address of the respondent and shall state that it was issued at his request.

(C) Within five days after service of a subpoena upon any person, the person may petition the commission to revoke or modify the subpoena. The commission shall grant the petition if it finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, or that compliance would be unduly onerous or for other good reason.

(D) In case of refusal to obey a subpoena, the commission or the person at whose request the subpoena was issued may petition for its enforcement in the circuit court for the county in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(E) Witnesses summoned by a subpoena under this chapter are entitled to the same witness and mileage fees as witnesses in proceedings in court. Fees payable to a witness summoned by a subpoena issued at the request of a party must be paid by that party or, where a party is unable to pay the fees, by the commission.

Section 31-21-120.

(A) A person who claims to have been injured by a discriminatory housing practice or who believes that he may be injured by a discriminatory housing practice that is about to occur may file a complaint with the commission. Complaints must be in writing and shall contain information and be in a form required by the commission. Upon receipt of a complaint, the commission shall serve notice upon the aggrieved person of the time limits and choices of forums provided under this chapter and shall furnish a copy to the person who allegedly committed the discriminatory housing practice or is about to commit the alleged discriminatory housing practice and advise him of the procedural rights and obligations under the law. Within thirty days after receiving a complaint, or within thirty days after the expiration of any period of reference under subsection (C), the commission shall investigate the complaint and give notice in writing to the person aggrieved whether it intends to resolve it. If the commission decides to resolve the complaint, it shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. If practicable, conciliation meetings must be held in the cities or other localities where the discriminatory housing practices allegedly occurred. Nothing said or done in the course of the informal endeavors may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. An employee of the commission who makes public any information in violation of this provision is guilty of a misdemeanor punishable by a fine of not more than two hundred dollars or imprisoned for not more than thirty days.

(B) A complaint under subsection (A) must be filed within one hundred eighty days after the alleged discriminatory housing practice occurred. The complaint must be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. A complaint may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him, not later than ten days after receipt of notice, and may be amended reasonably and fairly by the respondent at any time. Both complaint and answer must be verified.

(C) Wherever a local fair housing law provides rights and remedies for alleged discriminatory housing practices which substantially are equivalent to the rights and remedies provided in this chapter, the commission shall notify the appropriate local agency of any complaint filed under this chapter which appears to constitute a violation of the local fair housing law, and the commission shall take no further action with respect to the complaint if the local law enforcement official, within thirty days from the date the alleged offense was brought to his attention, has commenced proceedings in the matter. In no event may the commission take further action unless it certifies that in its judgment, under the circumstances of the particular case, the protection of the rights of the parties or the interest of justice require the action. Complaints referred to the commission by the Department of Housing and Urban Development may not be referred by the commission to a local agency.

(D) Any conciliation agreement arising out of conciliation efforts by the commission must be an agreement between the respondent and the complainant and is subject to the approval of the commission. Each conciliation agreement must be made public unless the complainant and respondent otherwise agree and the commission determines that disclosure is not required to further the purposes of this chapter.

(E) The investigation must be completed in no more than one hundred days after receipt of the complaint. If the commission is unable to complete the investigation within one hundred days, it shall notify the complainant and respondent in writing of the reasons for not doing so.

(F) The commission shall make final administrative disposition of a complaint within one year of the date of receipt of a complaint unless it is impractical to do so. If the commission is unable to do so, it shall notify the complainant and respondent, in writing, of the reasons for not doing so.

(G) In any proceeding brought pursuant to this section, the burden of proof is on the complainant.

(H) Whenever an action filed by an individual in court pursuant to this section or Section 31-21-140 comes to trial, the commission shall terminate all efforts to obtain voluntary compliance.

Section 31-21-130. (A) If not sooner resolved, the investigator, upon completion of his investigation, shall submit to the commissioner a statement of the facts disclosed by his investigation and recommend either that the complaint be dismissed or that a panel of commission members be designated to hear the complaint. The commissioner, after review of the case file and the statement and recommendation of the investigator, shall issue an order either of dismissal or for a hearing, which is not subject to judicial or other further review.

(B) If the order is for dismissal, the commissioner shall mail a copy of the order to the complainant and the respondent at their last known addresses. The complainant may bring an action against the respondent in circuit court within ninety days of the date of the dismissal or within one year from the date of the violation alleged, whichever occurs later, to enforce the rights granted or protected by this chapter and to seek relief as provided for in Section 31-21-140.

(C)(1) If the order is for a hearing, the commissioner shall attach to it a notice and a copy of the complaint and require the respondent to answer the complaint at a hearing at a time and place specified in the notice and shall serve upon the respondent a copy of the order, the complaint, and the notice.

(2) Either party may elect to have the claims asserted in the complaint decided in a civil action. The commissioner's notice must be sent to all parties and inform them of their right to take civil action. An election must be made within twenty days after receipt of the notice. A party making this election shall notify the commissioner and all other parties. If an election is made for a civil action, the commissioner shall, within thirty days from the date of election, commence and maintain a civil action pursuant to Section 31-21-140 on behalf of the aggrieved person.

(D) At any time before a hearing, a complaint may be amended by the commissioner upon the request of the investigator or of the complainant or of the respondent. Complaints may be amended during a hearing only upon a majority vote of the panel of commission members for the hearing.

(E) Upon request by any party, the commissioner shall issue appropriate subpoenas or subpoenas duces tecum to any witnesses or other custodians of documents desired to be present at the hearing, or at prehearing depositions, unless the commissioner determines that issuance of the subpoenas or

(F) Upon notification by any party that any party or witness has failed to permit access, failed to comply with a subpoena or subpoena duces tecum, refused to have his deposition taken, refused to answer interrogatories, or otherwise refused to allow discovery, the commission, upon notice to the party or witness, shall apply to a court of competent jurisdiction for an order requiring discovery and other good faith compliance unless the commission determines that the discovery would be unreasonably or unduly burdensome.

(G) Upon request by the commissioner, the chairman of the commission shall designate a panel of three members of the commission to sit as the commission to hear the complaint.

(H) At any hearing held pursuant to this section, the case in support of the complaint must be presented before the panel by one or more of the commission's employees or agents or by legal representatives of the complaining party. Endeavors at conciliation by the investigator may not be received into evidence nor otherwise made known to the members of the panel.

(I) The respondent shall submit a written answer to the complaint and appear at the hearing in person or by counsel and may submit evidence. The respondent may amend his answer reasonably and fairly.

(J) The complainant must be permitted to be present and submit evidence.

(K) Proceedings under this section are subject to the provisions of Chapter 23 of Title 1 (Administrative Procedures Act) and, in the case of conflict between the provisions of this chapter and Chapter 23 of Title 1, the provisions of Chapter 23 of Title 1 shall govern. A recording of the proceedings must be made, which may be transcribed subsequently upon request and payment of a reasonable fee by the complainant or the respondent. The fee must be set by the commission or upon motion of the panel, in which case copies of the transcription must be made available to the complainant or the respondent upon request and payment of a reasonable fee to be set by the commission.

(L) If, upon all the evidence at the hearing, the panel shall find that the respondent has engaged in any unlawful discriminatory practice, it shall state its findings of fact and serve upon the complainant and the respondent in the name of the commission an opinion and order for appropriate relief which may include that the unlawful discriminatory practice be discontinued, actual damages, civil penalties which may not be greater than civil penalties established by the federal Fair Housing Act in Section 812 and reasonable attorney's fees. The commission may retain jurisdiction of the case until it is satisfied of compliance by the respondent of its order.

(M) If, upon all the evidence at the hearing, the panel finds that the respondent has not engaged in any unlawful discriminatory practice, the panel shall state its findings of fact and serve upon the complainant and the respondent an opinion and order dismissing the complaint as to the respondent. A prevailing respondent may apply to the commission for an award of reasonable attorney's fees and costs.

(N) A copy of the opinion and order of the commission must be delivered in all cases to the Attorney General and to such other public officers as the commission considers proper. Copies of the opinion and order must be available to the public for inspection upon request, and copies must be made available to any person upon payment of a reasonable fee set by the commission.

(O) (1) If an application for review is made to the commission within fourteen days from the date the order of the commission has been given, the commission, for good cause shown, shall review the order and evidence, receive further evidence, rehear the parties or their representative and, if proper, amend the order.

(2) The order of the commission, as provided in subsection (L), if not reviewed in due time, or an order of the commission upon the review, as provided for in item (1), is conclusive and binding as to all questions of fact unless clearly erroneous in view of the reliable, probative, and substantive evidence in the whole record. Either party to the dispute, within thirty days after receipt of notice to be sent by registered mail of the order, but not after that time, may appeal from the decision of the commission to the court of common pleas of the county in which the hearing occurred, or in which the respondent resides or has his principal office. In case of an appeal from the decision of the commission, the appeal shall operate as a supersedeas for thirty days only, unless otherwise ordered by the court, and after that the respondent is required to comply with the order involved in the appeal or certification until the questions at issue in it have been determined fully in accordance with the provisions of this chapter.

(3) The commission may institute a proceeding for enforcement of its order of subsection (L), or its amended order of item (I) after thirty days from the day of the order, by filing a petition in the court of common pleas of the county in which the hearing occurred, or where any person against whom the order is entered resides or transacts business.

(4) If no appeal under item (2) is initiated, the commission may obtain a decree of the court for enforcement of its order upon a showing that a copy of the petition for enforcement was served upon the party subject to the dictates of the commission's order.

Section 31-20-140. (A) A civil action must be commenced within one year after the alleged discriminatory housing practice has occurred. However, the court shall continue a civil case brought pursuant to this section from time to time before bringing it to trial if the court believes that the conciliation efforts of the Commission or local agency are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the Commission or to the local agency and which practice forms the basis for the action in court. Any sale, encumbrance, or rental consummated before the issuance of any court order issued under the authority of this chapter and involving a bona fide purchaser, encumbrances, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this chapter are not affected. A civil action may be commenced by an aggrieved person whether or not a complaint has been filed with the Commission.

(B) The court may grant as relief, as it considers appropriate, any permanent or temporary injunction, temporary restraining order, or other order and may award the plaintiff actual damages, and punitive damages, together with court costs and reasonable attorney's fees in the case of a prevailing party, if the prevailing party in the opinion of the court is not financially able to assume the attorney's fees.

Section 31-21-150. Before accepting any complaint under this chapter, the commission shall determine if the complainant has filed a similar complaint with the Federal Home Loan Bank Board, the Comptroller of the Currency, the Federal Deposit Insurance Corporation of the Federal Reserve System, the United States Department of Housing and Urban Development, or any other agency with authority to investigate and resolve complaints alleging a violation of this chapter. If a complaint has been filed or is filed, subsequently the commission shall coordinate efforts to resolve the complaint with that agency in order to avoid multiple investigations of the respondent.

SUMMARY OF THE SOUTH CAROLINA FAIR HOUSING LAW

Section 31-21-10 Names the law "The South Carolina Fair Housing Law."

Section 31-21-20 States policy of this State to provide fair housing.

Section 31-21-30 Defines words and phrases used throughout the Act. For example "familial status" means one or more individuals who have not attained the age of eighteen years and domiciled with parent or legal custodian, or a pregnant person, or one securing legal custody of child under 18 years.

Section 31-21-40 Describes activities which are unlawful as they relate to selling or renting dwellings because of race, color, religion, sex, familial status, national origin, or handicap.

Section 31-21-50 Makes unlawful denial of real estate services based on race, color, religion, sex, handicap, familial status, or national origin.

Section 31-21-60 Makes unlawful discrimination in making real estate-related transactions available, or in terms and conditions of transactions because of race, color, religion, sex, handicap, familial status, or national origin.

Section 31-21-70 Describes activities exempted from the Act.

Section 31-21-80 Makes unlawful coercion, intimidation, threats, or interference with any person for exercising rights under the law.

Section 31-21-90 Grants jurisdiction to the South Carolina Human Affairs Commission to administer law.

Section 31-21-100 Allows the Commission to:

1. Promulgate regulations;
2. Make studies of housing practices;
3. Publish reports of such studies;
4. Cooperate with and give technical assistance to agencies, organizations and institutions within the State;
5. Cooperate with and contract with HUD and other governmental agencies;
6. Accept reimbursement for services rendered to HUD;
7. Accept gifts and donations;
8. Go to court to compel compliance with the law;
9. Contract with and accept reimbursement from persons and organizations in effectuating purposes of the law.

Section 31-21-110 Gives certain power to Commission to:

1. Examine and copy records;
2. Take testimony or statements;
3. Issue subpoenas;
4. Go to court to enforce subpoenas.

Section 31-21-120 Requires complaints to be in writing, filed within 180 days after alleged discriminatory housing practice, and requires notice to complainant and respondent; imposes confidentiality and imposes criminal sanction for breach of confidentiality; imposes certain time requirements for completion of investigations and final administrative disposition of complaints.

Section 31-21-130 Provides for administrative hearings and court trial; establishes procedures for hearing panel, pleadings, penalties for violations, court enforcement of Commission orders and court appeal process from Commission orders.

Section 31-21-140 Establishes 1 year statute of limitations for filing court action and provides remedies available to court finding violations.

Section 31-21-150 Provides for determination of other agencies having investigative authority of complaints and coordination of efforts to avoid multiple investigations.

Equal Enjoyment and Privileges to Public Accommodations Act

Article 1

Section 45-9-10. (A) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation, as defined in Article 1 of this chapter, without discrimination or segregation on the ground of race, color, religion, or national origin.

(B) Each of the following establishments which serves the public is a place of public accommodation within the meaning of this chapter if discrimination or segregation by it is supported by state action:

- (1) any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence;
- (2) any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment, or any gasoline station;
- (3) any hospital, clinic, or other medical facility which provides overnight accommodations;
- (4) any retail or wholesale establishment;
- (5) any motion picture house, theater, concert hall, billiard parlor, saloon, barroom, golf course, sports arena, stadium, or other place of amusement, exhibition, recreation, or entertainment; and
- (6) any establishment which is physically located within the premises of any establishment otherwise covered by this subsection, or within the premises of which is physically located any such covered establishment, and which holds itself out as serving patrons of such covered establishments.

(C) 'Supported by state action' means the licensing or permitting of any establishment or any agent of an establishment listed above, subject to the exclusion provided in Section 45-9-20, which has or must have a license or permit from the State, its agencies, or local governmental entities to lawfully operate.

Section 45-9-20. The provisions of this chapter do not apply to a private club or other establishment not in fact open to the general public. An institution, a club, an organization, or a place of accommodation, as defined in Section 45-9-10, which offers memberships for less than thirty days is not private within the meaning of this section.

Section 45-9-30. No person shall withhold, deny, or attempt to withhold or deny, or deprive, or attempt to deprive any person of any right or privilege secured by the provisions of Section 45-9-10; or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person with the purpose of interfering with any right or privilege secured by the provisions of Section 45-9-10; or punish or attempt to punish any person for exercising or attempting to exercise any right or privilege secured by the provisions of Section 45-9-10.

Article 3

Section 45-9-40. Whenever the Attorney General receives a complaint and has cause to believe that a person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by the provisions of Article 1, and that the pattern or practice is of a nature so as to deny the full exercise of the rights described in the provisions of Article 1, the Attorney General shall notify the State Law Enforcement Division which shall conduct an investigation. The results of this investigation must be reported to the State Human Affairs Commission. A panel of not fewer than three commission members, designated by the chairman, shall determine if there is reasonable cause to believe that the facts alleged, based upon the results of this investigation, are sufficient to state a violation of Article 1 by a pattern or practice of discrimination or segregation.

If this panel finds reasonable cause, the chairman shall inform the Attorney General, and the Attorney General or his designee shall begin an action by filing a complaint with the commission and serving, by certified mail, return receipt requested, the parties named in the complaint. The commission members which serve on this panel may not serve on the panel conducting a hearing on the allegations contained in the complaint if a license revocation proceeding is initiated. If a person alleging to have violated the provisions of Article 1 by a pattern or practice of discrimination or segregation is an employee or agent of an establishment as defined in Section 45-9-10, the Attorney General shall make a diligent effort to include in the complaint the name of the employer, principal, or a third party who may be the holder of a license or permit under which the establishment or an agent of the establishment operates. The complaint must set forth a description of the charges, including the facts pertaining to the pattern or practice of discrimination or segregation and a listing of those licenses or permits which are sought to be revoked under the provisions of this article and must state clearly the remedy or penalty available pursuant to Sections 45-9-60 and 45-9-80 if the allegations are found to be true.

Section 45-9-50. A panel of not fewer than five commission members, designated by the chairman, must conduct a hearing on the allegations contained in the complaint by the Attorney General within sixty days of its filing, but not sooner than twenty days from the date of the filing of the complaint. The panel, for cause shown, may at any time in its discretion (1) with or without written motion or notice order the period of time prior to the hearing enlarged if request therefor is made before the expiration of the time period as originally prescribed or extended or (2) upon motion made after the expiration of the specified time period, for good cause shown, permit a continuance or further extension.

Notification of the hearing must be sent by certified mail, return receipt requested. The notification of the hearing must include a description of the charges, the date, time, and location of the hearing, and a statement in bold type that a failure to appear may result in revocation of licenses or permits under which the establishment or an agent of the establishment operates. The notice must be sent to the person or group of persons accused of discriminatory conduct as well as to all persons listed in the Attorney General's complaint as having been aggrieved by the alleged discriminatory conduct. The notice also must be sent to any employer, principal, or any third party who may be the holder of a license or permit under which the establishment or an agent of the establishment operates. A license or permit of any party, for whom there is no receipt of the notice showing delivery or attempted delivery of the certified mail, shall not be revoked.

Section 45-9-60. The commission may establish rules of procedure for the conduct of the panel hearings as provided in this article and is not governed by the Administrative Procedures Act in establishing these rules or in the conduct of panel hearings. The commissioner, upon request of the panel conducting a hearing, may issue subpoenas and subpoenas duces tecum to allow the panel to interview any person it deems necessary and review any document it deems relevant.

A person or group of persons charged in the complaint with engaging in a pattern or practice of discrimination or segregation in violation of Article 1 shall have the right in the hearing to present physical and documentary evidence, the testimony of witnesses, and other relevant information. In

procuring the testimony of witnesses, such persons shall have the benefit of the commissioner's subpoena power. Such persons shall have the right to appear before the panel and be represented by an attorney, to call witnesses, to confront and cross examine adverse witnesses, and to make oral and written legal arguments.

All testimony given must be under oath in the presence of a court reporter who shall record the proceedings. The rules of evidence applicable in circuit court shall be used in all hearings. Except to the extent necessary to establish a pattern or practice of discrimination or segregation or to allow for the participation of those intervenors as may be allowed by Section 45-9-79, the panel conducting the hearing must limit the scope of the hearing to the items delineated in the description of the charges or in the allegations in the complaint.

Notwithstanding any other provision of law to the contrary, all deliberations and votes of the panel may be conducted in executive session. The deliberations, findings, and conclusions of the panel are confidential and may not be disclosed by any person until the final order or determination is made public as provided in this article.

Except as otherwise provided by this article, if it is determined that the rights and privileges secured by Article 1 have been violated by a pattern or practice of discrimination or segregation by an owner of an establishment, an employee of an establishment, or an agent of an establishment, the panel shall grant the relief authorized in Section 45-9-80. The panel may further order any persons found to have violated the provisions of Article 1 by a pattern or practice of discrimination or segregation to reimburse the State for the actual costs incurred in conducting the hearing, including reasonable attorney's fees.

Section 45-9-65. No establishment or agent of an establishment shall be compelled to forfeit a license or permit because of the actions of an employee who has no authority to determine who shall enjoy the goods, services, facilities, privileges, and advantages of an establishment of public accommodations as defined in Section 45-9-10. If the panel finds that a pattern or practice of discriminatory conduct by such an employee was known, or was so open and notorious that it reasonably should have become known to the licensee, permittee, or its managing agent, and such licensee, permittee, or agent did not stop the discriminatory conduct, the license or permit may be revoked. If the action prohibited in Article 3 is committed by an employee or agent, and is not done in the presence of the employer, manager, or other person in charge, and is done without knowledge, consent or approval of the person in charge, the license or permit revocation provisions do not apply.

A panel may find a pattern or practice of discriminatory conduct violating Article 1 and not revoke a particular license or permit under which an establishment or agent of an establishment operates if:

- (1) the panel concludes the establishment is one of public necessity and the revocation of a license or permit to operate would be severely detrimental to the community and that the establishment is acting to eliminate any discriminatory conduct; or
- (2) the panel concludes that the pattern or practice of discriminatory conduct is limited to a segment of the establishment's operations and concludes that only the licenses or permits issued to operate that segment may be revoked; or
- (3) the panel concludes that the pattern or practice of discriminatory conduct is limited to one person or a group of persons whose licenses or permits may be revoked.

Section 45-9-70. (A) Upon timely application anyone shall be permitted to intervene in an action when the applicant claims an interest relating to the allegations of the complaint and he is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.

(B) Upon timely application anyone may be permitted to intervene in an action when an applicant's claim or defense and the main action have a question of law or fact in common. In exercising its discretion, the panel shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.

(C) A person desiring to intervene shall timely serve a motion to intervene upon the panel. The motion shall state the ground therefor and shall be accompanied by a statement setting forth the claim or defense for which intervention is sought.

Section 45-9-75. The final decision or order of the panel must be in writing and shall include the findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. The panel must list licenses or permits to be revoked in its order. No finding or conclusion may be included in the order of the panel unless it is supported by substantial evidence in the record before the panel.

The commission must send copies of the final order of determination to each party named in the complaint, any attorney of record, and any other interested party within fifteen days of the conclusion of the hearing.

Notwithstanding any other provision of law, the determination by the panel is not subject to appeal to the full commission and is the final administrative review. Any appeal must be made pursuant to Sections 1-23-380 and 1-23-390.

Section 45-9-80. Notwithstanding any other provision of law or ordinance to the contrary, if the panel determines that the provisions of Article 1 have been violated by a pattern or practice of discrimination or segregation by the owner of an establishment, an employee of an establishment, or an agent of an establishment of public accommodations as defined in Section 45-9-10, the Attorney General must immediately notify the appropriate state or local permitting, regulatory, or licensing authority that those licenses or permits so designated in the panel's order must be revoked immediately, notwithstanding the provisions of Section 1-23-380(C), upon expiration of the time allowed for an appeal if no appeal has been filed. After appeals, if the panel's order is not reversed, the license or permit must be revoked as provided in this article.

If necessary, a writ of mandamus may be sought by the Attorney General or any individual to effectuate the provisions of this section. Nothing in this section shall be construed as requiring the issuance of a writ of mandamus, and no civil action shall lie against any regulatory or licensing official acting pursuant to an order of the panel.

No owner of an establishment, employee of an establishment, or agent of an establishment who is found to have violated the provisions of Article 1 by a pattern or practice of discrimination or segregation may obtain a license or permit from the same regulatory or licensing entity or seek the reissuance of a revoked license or permit within three years from the date of the panel's order or a final determination of a court of competent jurisdiction, whichever is later.

Section 45-9-85. Any person violating the confidentiality provision of Section 45-9-60 is guilty of a misdemeanor and, upon conviction, shall be fined not more than one thousand dollars or imprisoned for not more than one year, or both, in the discretion of the court. If the person convicted is an officer or employee of the State, he shall be dismissed from office or employment and shall be ineligible to hold any public office or public employment in this State for a period of three years after such conviction.

Article 5

Section 45-9-90. A person violating the provision of Article 1 is guilty of a misdemeanor, and upon conviction, must be fined not more than two thousand dollars or imprisoned for not less than six months nor more than three years, or both, in the discretion of the court. Each violation is considered a separate offense.

Section 45-9-100. Subject to the limitations in Section 45-9-110, a party aggrieved as a result of a person or group of persons violating the provisions of Article 1 may institute an action in his own name in the circuit court to recover damages for violations of Article 1. A single act of discrimination or segregation may constitute proof of a violation of Article 1 without the necessity of proving a pattern or practice of discrimination or segregation. Upon a finding that a person has violated the provisions of Article 1, the amount of damages that an aggrieved party has sustained is declared to be a minimum of five thousand dollars. In addition, the court, upon a finding that a person violated the provisions of Article 1, shall award the aggrieved party reasonable attorney's fees, as determined by the court, and costs.

Section 45-9-110. An aggrieved party must file a charge alleging unlawful discrimination or segregation under Article 1 with the State Human Affairs Commission and seek conciliation of any civil action under Section 45-9-100 prior to bringing such action in the circuit court. The commission has sixty days to investigate the charge, attempt conciliation, and negotiate a settlement. The commission may establish regulations governing the conciliation of a charge filed pursuant to this section, but the failure to promulgate regulations shall not relieve a party from the requirements of this section. No civil action may be commenced by an aggrieved party until sixty days after the filing of the charge with the commission or until the commission issues a letter stating that the conciliation process has concluded, whichever occurs first. After the sixty-day period has expired, the person filing the charge is deemed to have exhausted his administrative remedy notwithstanding whether the commission has concluded its attempts at conciliation.

Section 45-9-120. The limitations on the right to pursue a civil action in Section 45-9-110 shall not be construed to limit the right to pursue the license or permit revocation procedure provided in Article 3 or the criminal penalties provided in Section 45-9-90. The penalties and remedies provided in Article 5 may be pursued as independent actions and may not be construed as prohibiting or limiting the right to pursue the administrative remedy provided in Article 3.

Summary of Equal Enjoyment and Privileges to Public Accommodations Act

- Section 45-9-10** States all persons' entitlement of full enjoyment of described services and accommodations without discrimination on account of race, color, religion, or national origin, and defines places of public accommodation.
- Section 45-9-20** Exempts private clubs and other establishments not in fact open to the general public.
- Section 45-9-30** Protects persons from intimidation, threats, coercion, or punishment for exercising rights and privileges granted by the law.
- Section 45-9-40** Grants authority to Attorney General to prosecute pattern and practice complaints before a panel of S.C. Human Affairs Commission board members following investigation by the State Law Enforcement Division; provides for procedures.
- Section 45-9-50** Provides for full hearing before Commission panel and establishes procedures therefore.
- Section 45-9-60** Empowers the Commission to establish rules, and grants authority to issue subpoenas and grant relief if violation is found.
- Section 45-9-65** Creates exception to liability over certain unauthorized conduct of establishment or agency's employee if conduct is not known, or should not have been known, by the person in charge; provides panel discretion in license revocation mandate in certain situations as described.
- Section 45-9-70** Provides for intervention by interested parties.
- Section 45-9-75** Describes method and procedures for panel's findings of fact, conclusions of law and order of determination; establishes limited right of appeal.
- Section 45-9-80** Provides for mandatory immediate revocation of licenses and 3-year prohibition against issuance or reissuance of licenses.
- Section 45-9-85** Establishes criminal and civil sanctions for breach of confidentiality.
- Section 45-9-90** Makes violations of Act a misdemeanor with penalties of fine of not more than \$2,000 or imprisonment for not less than six months nor more than 3 years, or both.
- Section 45-9-100** Creates private right of action with civil remedies of not less than \$5,000 and provides for attorney fees and court costs.
- Section 45-9-110** Requires aggrieved party to exhaust administrative process by filing complaint with the South Carolina Human Affairs Commission and period of 60 days for investigation and conciliation prior to court filing.
- Section 45-9-120** States legislative intent to create three independent courses of action for violations of law.

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